



# **Phase 2**

**INDEPENDENT EXAMINATION OF THE CHELMSFORD DRAFT LOCAL PLAN**

**INSPECTOR'S MATTERS, ISSUES AND QUESTIONS**

**RESPONSE TO WEEK 2 HEARING SESSIONS**

**Opportunity Site OS1A – Rivermead, Bishop Hall Lane**

**On Behalf of**

**Michael Kirkham**

**November 2018**

**Our Ref: C15087**

**Phase 2** PLANNING & DEVELOPMENT LIMITED

## 1. Introduction

- 1.1 This representation is submitted by Phase 2 Planning Ltd on behalf of Michael Kirkham in response to the matters, issues and questions (MIQs) for week 2 of the Independent Examination of the Chelmsford Draft Local Plan.
- 1.2 This representation responds to the following:
- Matter 6 – Housing Provision, and in particular the Inspector’s Question 54; and
  - Matter 6a – Housing Provision in Growth Area 1 – Central and Urban Chelmsford, Inspector’s Questions 62, 63 (b) and 64.
- 1.3 This representation relates to Michael Kirkham’s ownership of the Rivermead Industrial Estate, Bishops Hall Lane, Chelmsford, which is identified within the Draft Local Plan as ‘Opportunity Site OS1A – Rivermead, Bishops Hall Lane.’
- 1.4 Michael Kirkham has previously submitted a response to the pre-submission Local Plan consultation in respect of ‘Opportunity Site OS1A – Rivermead, Bishops Hall Lane.’, submitted in March 2018.
- 1.5 Following receipt of the representations submitted by Michael Kirkham and the submission of the Draft Local Plan, a full planning application has been made for the following development on the Rivermead Site:
- “Redevelopment to provide a mixed-use scheme containing 315 student dwellings and flexible D1/B1/B8 uses and retained D2 use class (leisure) comprising buildings of 3-5 storeys (Blocks A - D). Erection of new pedestrian bridges linking the site with Anglia Ruskin University and the Local Nature Reserve, new public spaces, hard & soft landscaping & associated parking provision & infrastructure.”*
- 1.6 This application is currently being progressed under application reference 18/01326/FUL, and has received support from planning officers, subject to ongoing discussions regarding the design of the proposed development. No concerns have been raised by officers with regard to the uses proposed on the site to deliver student accommodation and commercial development on the site.
- 1.7 Within this submission we refer to the earlier representation Michael Kirkham submitted in March 2018.

## 2. Matter 6 – Housing Provision

Main Issue – Whether the identified housing requirement is sound and whether the Plan sets out a positively prepared strategy for the supply and delivery of housing development that is justified, effective and consistent with national policy

*Q54. Strategic Policy S8 identifies the housing requirement for the plan period as a minimum of 18,515 net new homes (average of 805 dpa). Will it ensure that the Plan meets the full objectively assessed housing needs identified in the SHMA? Will it significantly boost housing supply in accordance with the Framework?*

- 2.1 The 2012 National Planning Policy Framework (NPPF) confirms at paragraph 47 that, *“local planning authorities should...use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area.”* Paragraph 159 confirms that the Local Plan Evidence Base, specifically Strategic Housing Market Assessments, *“should identify, the need for all types of housing, including affordable housing and the needs of different groups in the community.”*
- 2.2 Paragraph 21 of the ‘Housing and Economic Development Needs Assessment’ chapter of the Planning Practice Guidance states that, *“local planning authorities should plan for sufficient student accommodation whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus. Student housing provided by private landlords is often a lower-cost form of housing. Encouraging more dedicated student accommodation may provide low cost housing that takes pressure off the private rented sector and increases the overall housing stock. Plan makers are encouraged to consider options which would support both the needs of the student population as well as local residents before imposing caps or restrictions on students living outside of university-provided accommodation. Plan makers should engage with universities and other higher educational establishments to better understand their student accommodation requirements.”*
- 2.3 Policy S8 of the Chelmsford Draft Local Plan sets out Chelmsford’s Housing and Employment Requirements for the Local Plan Period between 2014 – 2036, confirming that a total of 21,872 (as amended within the Schedule of Additional Changes published in June 2018) dwellings will be required during the plan period. The policy includes details on the number of pitches and plots required for Gypsies and Travellers and Travelling Showpeople during the plan period. Policy HO1 of the Local Plan, relating to the size and type of housing required during the plan period, does not go into any further detail in respect of the housing needs for different groups in the community, other than to specify affordable housing requirements.
- 2.4 As detailed within our earlier representation, Michael Kirkham has been in discussions with Anglia Ruskin University (ARU) regarding the redevelopment of his Rivermead Industrial Estate on Bishops Hall Lane in the City Centre, located opposite ARU’s Rivermead Campus. ARU has confirmed it has a shortfall and need for new student accommodation to assist in meeting its strong growing demand for first year intake student accommodation and has identified this site as its preferred location for student accommodation and additional university related

uses. The obvious result of ARU having a shortfall in accommodation is that students are forced to reside within family accommodation within the City Centre and in the surrounding areas of Chelmsford, thus reducing the number of available family sized accommodation.

- 2.5 Accordingly, the Local Plan is considered to be unsound as it does not plan to meet its need for Student Housing (a particularly curious omission considering Chelmsford has a thriving and growing University within its City Centre) and is therefore not consistent with National Planning Policy.

### 3. Matter 6a – Housing Provision in Growth Area 1 – Central and Urban Chelmsford

Main issue – Whether the supply of housing development in Growth Area 1 – Central and Urban Chelmsford (GA1) is sound

*Q62. Are the housing site allocations in GA1 within Location 1: Chelmsford Urban Area, Location 2: West Chelmsford and Location 3: East Chelmsford justified and deliverable?*

- 3.1 As per Michael Kirkham's earlier representations, the housing site allocations, specifically Opportunity Site OS1a, in Growth Area 1, within Location 1: Chelmsford Urban Area, are not justified and deliverable, and therefore are not sound.
- 3.2 Whilst it is noted that paragraph 7.107 of the Draft Local Plan confirms that, *"student accommodation will only be supported as part of the mix if it contributes to or facilitates strengthening of City Centre uses"*, the wording of Opportunity Site OS1 states an allocation for *"80 new homes"*, which differs from the scheme that Michael Kirkham has been in discussions with officers for a number of years which will provide 315 student units, and application submitted in July 2018.
- 3.3 Within the existing Policy Framework (which includes the Chelmsford Town Centre Area Action Plan (CTCAAP) (2008); and Rivermead Industrial Area Planning Brief (September 2012), the Rivermead Industrial Estate is identified as a sustainable opportunity for mixed use development as Opportunity Site no.37 of the CTCAAP. In particular, the CTCAAP highlights that the objective of this allocation is to, *"Develop increasing university-related education and enterprise area"*, and confirms that the site, *"offers the opportunity to expand university spin-out activities and develop businesses."*
- 3.4 The Planning Brief, published in September 2012, provides further guidance on the appropriate uses for the site, which includes 'University related uses', including hotel and student accommodation, and non residential uses falling within Use Classes B1 (a), (b) and (c).
- 3.5 Under the existing policy framework, Michael Kirkham has been engaged in pre-application discussions with the City Council regarding the redevelopment of the Rivermead Industrial Estate to provide student accommodation since November 2016, which has consistently received positive feedback from Officers.
- 3.6 Indeed, following our earlier representations in March 2018, a full planning application to deliver 315 student rooms, along with flexible D1/B1/B8 uses for Anglia Ruskin University and the construction of new flexible office, light industrial, and research & development floorspace (Class B1/B8) was submitted in July 2018 and is currently being progressed under reference 18/01326/FUL. The proposed site layout for the application (drawing number dapa\_515\_200\_07) is provided with this representation for the Inspector's records.

- 3.7 This application has received positive feedback from officers at Chelmsford City Council and has not attracted any adverse comments from statutory consultees or the general public. Accordingly, it is hoped that a recommendation to approve the application, subject to S106 agreement, will be made before Christmas 2018, with Michael Kirkham committed to commencing the development in 2019.
- 3.8 Accordingly, the existing wording of the policy, with its emphasis on “new homes” including affordable housing, will not be delivered on the site and is therefore neither deliverable or sound. The wording of the policy should therefore be amended to reflect the current application with Officers for student accommodation and commercial development on the site.
- 3.9 In answer to the specific MIQs below, we confirm as follows:

*Q. Are there any soundness reasons why they should not be allocated? In particular:*

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*a. Is the scale of housing for each site allocation, particularly the large Strategic Growth Sites, justified having regard to any constraints, existing local infrastructure and the provision of necessary additional infrastructure?*

- 3.10 As per above, residential development will not be delivered on this site, nor has the site been promoted by the landowner for residential development. The scale of housing identified within the wording of the allocation for Opportunity Site OS1a, for ‘80 new homes of a mixed size and type, including affordable housing’, is therefore not justified.

*b. Is the housing trajectory realistic and are there any sites which might not be delivered in accordance with the timescale set?*

- 3.11 As set out above, this site will not be delivered for the type and scale of residential development identified within the Draft Local Plan.

*c. Are the planning and masterplanning principles justified?*

- 3.12 The planning and masterplanning principles detailed by Opportunity Site OS1a need to be amended to reflect the emerging student and commercial development on the site.
- 3.13 The other concern relates to the wording to ‘Retain and improve business area on South Island.’ The application that is currently with planning officers proposes the erection of feature new high-quality commercial buildings and the existing buildings on the site would be demolished, and officers have raised no concerns in this respect. The wording of the text does state “improve” which would include redevelopment but as drafted this is unclear in this respect. There is no sound planning reason to prevent renewal and enhancement of existing

employment generating uses on site, nor is the retention of the existing buildings on site, which largely comprise single storey accommodation dating from the 1980s, justified.

*d. Are the specific development and site infrastructure requirements clearly identified for each site allocation, are they necessary and are they justified by robust evidence? Is any other infrastructure necessary for site delivery?*

3.14 With regards to development and site infrastructure requirements, the wording of the policy only makes reference to mitigation, compensation and enhancements to the local and strategic road network, and contributions depending on the uses proposed on site.

3.15 The policy also includes a requirement to provide new bridges and improved pedestrian and cycle links, which Michael Kirkham does not object to providing.

*e. Are the site boundaries for the allocations justified?*

3.16 No concerns regarding the site boundaries.

*f. Will the site allocations in these locations achieve sustainable development?*

3.17 Subject to the rewording of the policy to reflect that development on the site will comprise student accommodation and commercial development, development on this site, which is located within the City Centre and easily accessible by public transport, will achieve sustainable development.

*g. Are any amendments necessary to the policies to ensure soundness?*

3.18 As detailed above, the wording of the policy at present is not sound, as it is not:

- **Positively prepared** – there is no evidence base for the proposed market dwellings identified for this site, lacking evidence of understanding ARU requirements and the need for student housing as part of the OAN and has not been prepared taking into account the existing evidence base for the site which confirms university related uses are appropriate, as well as the pre-application discussions undertaken to date;
- **Justified** – The allocation is not the most appropriate strategy for this site, given the need for student housing for ARU, the sites relationship with ARU, and the support given to the proposals by Planning Officers to date; and
- **Effective** – The allocation will not be delivered, and the wording of the policy could prevent the development that has been under pre-application discussions since 2015 from coming forward.

3.19 As detailed within Michael Kirkham's earlier representation, we would suggest that the following amended wording would be appropriate:

- Mixed use development to provide a minimum of 315 student accommodation due to its proximity to Anglia Ruskin University, and enhanced business accommodation to assist with supporting ARU;
- New B1 (office, light industrial and R&D) space;
- Supporting education and university related uses (including education provided by organisations other than the university);
- University related uses include: Education spin-off activity e.g. engineering facility/laboratory, as part of a mix of uses; Hotel and student accommodation; Social hub for students; and Crèche for staff/students' children.
- Flexible parking provision in light of the sites city centre location and availability of park and ride;
- New bridges to Anglia Ruskin University and Springfield Hall Park to the east for connections to pedestrian and cycle network, and improved pedestrian and cycle connection to Bishop Hall Lane;
- Bridges to provide adequate headroom for boating activity;
- New publicly accessible riverside areas;
- Student accommodation and business accommodation on north island;
- Improved business, education/university related uses area on south island;
- Respect for the waterside character and the adjacent listed Mill House and pond;
- Avoid adverse impacts on the Chelmer Valley Local Nature Reserve;
- Layout guided by views from surrounding area;
- Main vehicle access will be from Bishop Hall Lane;
- Appropriate mitigation, compensation and enhancements to the local and strategic road network as required by the Local Highway Authority; and
- Financial contributions to supporting infrastructure, depending on uses.

*Q62. Policy GR1 allocates Growth Sites within the Chelmsford Urban Area. Growth Sites 1i – 1v list objectives/criteria.*

*b. Is the potential for student accommodation on Growth Site 1k justified and would this be in addition to or instead of the 'around 75 new homes'?*

- 3.20 Growth Site 1k is identified for, "Potential for student accommodation, due to its proximity to Anglia Ruskin University". As per our earlier representations, there is no evidence that ARU, or another education provider, would consider this site as suitable to meet its own identified needs for student housing or that its location is appropriate. Therefore, there is no confidence that the draft policy is viable or deliverable having regard to paragraph 173 and footnotes 11 and 12 of the NPPF.
- 3.21 Furthermore, Growth Site 1k is an active and well used commuter parking location and there is no evidence that there is suitable alternative parking provision available to offset the loss of this facility. There is no evidence that despite the landowner being the City Council that it proposes to bring this site forward for development given the existing use value and therefore there is no confidence that the draft policy is the most appropriate strategy.



- 3.22 Accordingly, we would suggest that the reference to student housing at Growth Site 1k be deleted in recognition of its important parking facility, the lack of evidence of a suitable or deliverable proposal for student accommodation.

*Q64. What is the purpose of the Opportunity Sites OS1a and OS1b? Why are they called opportunity sites? Do they clearly set out site specific objectives or are they policy requirements? Do they clearly set out what development will or will not be acceptable within the site? Is reference to safeguarded land and phasing justified?*

- 3.23 As per our earlier comments, the wording of Opportunity Site OS1a is unclear and not justified by evidence in the following respects:
- 3.24 As set out above, the site have never been promoted for residential development and it is unclear, where the evidence base to demonstrate that the policy as written for residential development is 'available', 'achievable' and 'deliverable' for market housing has come from, given our discussions to date with planning officers, as well as the existing evidence base which identifies the site as an 'university-related education and enterprise area'.
- 3.25 The wording of the allocation also confirms that the business area on the southern island should be retained and improved. However, the application that is currently with the City Council (reference 18/01326/FUL) proposes to demolish the existing business area and replace with new, purpose built commercial buildings comprising 5 stories, and a range of uses, including flexible D1/B1/B8 uses for Anglia Ruskin University, and flexible office, light industrial, and research & development floorspace (Class B1/B8). This range of uses has been considered to be acceptable by planning officers during the progressing of this application.
- 3.26 The phasing of the scheme should be also be reconsidered. Discussions with Planning Officers have confirmed support for the application, and it is hopeful that a recommendation to approve the development, subject to S106 agreement, could be made by Christmas 2018. The applicant plans to commence development in 2019.

## **Appendix 1 - Drawing Number dapa\_515\_200\_07**



RIVERMEAD INDUSTRIAL ESTATE, CHELMSFORD.

MIXED USE SCHEME: LEISURE FACILITIES, COMMERCIAL + STUDENT ACCOMMODATION.



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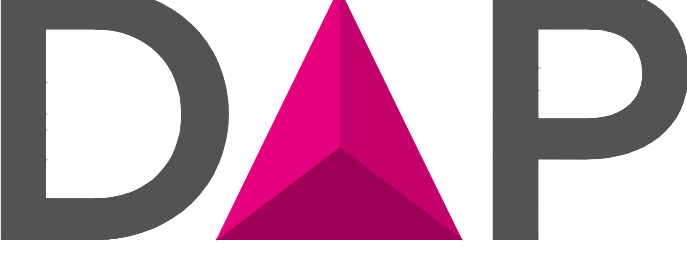
Prefer larger scale drawings.

All dimensions are in millimeters (mm) unless otherwise noted.

Check all relevant dimensions, lines and levels on site before proceeding with the work.

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REV.	DESCRIPTION	DATE



ARCHITECTURE LTD

PROJECT

RESIDENTIAL DEVELOPMENT

DRAWING

AS PROPOSED  
SITE LAYOUT + ROOF PLAN

CLIENT

MIKE KIRKHAM

ADDRESS

RIVERMEAD INDUSTRIAL ESTATE  
CHELMSFORD  
ESSEX  
CM1 1PD

DATE

15.10.18

SCALE

1:500 @ A1

DRAWN BY

LD

CHECKED BY

JB

PROJECT No.

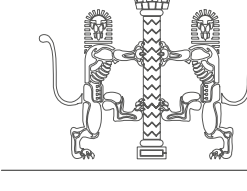
515. 200. 07

DWG No.

REVISION

ISSUE STATUS

PLANNING



CHELMSFORD

a. 3 + 5 Hospital Approach  
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