TOWN AND COUNTRY PLANNING ACT 1990

Agent: Dalton Warner Davis LLP
21 Garlick Hill
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Applicant: Countryside Zest (Beaulieu Park) LLP
C/o Agent

APPROVAL OF RESERVED MATTERS

LOCATION: Greater Beaulieu Park White Hart Lane Springfield Chelmsford

PROPOSAL: Construction of Phase 2A road including cycle paths and pedestrian footways, associated infrastructure, two substations, surface water drainage (Suds), landscaping and servicing from the Phase 1A road (13/01728/REM) to serve Beaulieu new neighbourhood.

APPLICATION NO: 15/00081/REM

DATE RECEIVED: 20th January 2015

DRAWING NO(s):
Agent’s Letter - 16.01.15; Agent’s Letter - 18.02.15; Agent’s Letter – 04.03.15;
Agent’s Letter – 30.03.15; Agent’s Letter – 27.05.05; Agent’s Letter – 02.07.15;
November 2013; 4771C 07 Rev E; 47065328/2A/1125 Rev P2;
47065328/2A/1126 Rev P2; 47065328/2A/1127 Rev P2; 47065328/2A/1128
Rev P2; 47065328/2A/1129 Rev P3; 47065328/2A/1130 Rev P2;
47065328/2A/1131 Rev P2; 47065328/02/7007 Rev P6; 47065328/2A/7018
Rev P6; 47065328/2A/7019 Rev P5; 4771C 04 Rev M; 4771C 08 Rev G;
4771C 09 Rev G; 4771C 15 Rev A; 4771C 16; Arboricultural Impact
Assessment: Phase 2A Infrastructure – January 2015 Ref: 1160_01_08_02
Version 2.0; Tree Constraints Plan 1 of 5; Tree Constraints Plan 2 of 5; Tree
Constraints Plan 3 of 5; Tree Constraints Plan 4 of 5; Tree Constraints Plan 5 of
5; Tree Protection Plan 1 of 5; Tree Protection Plan 2 of 5; Tree Protection Plan
3 of 5; Tree Protection Plan 4 of 5; Tree Protection Plan 5 of 5; Pre-Construction
Ecological Survey for Land Included in the Beaulieu Phase 1 and 2 Application
Areas – January 2015; Ecological Management Plan for Land Included in the
Beaulieu Phase 2 Application Area – January 2015; Biodiversity Statement for
Land Included in the Beaulieu Phase 2 Application Area – January 2015;
Archaeological Evaluation at Greater Beaulieu Park – December 2008; Late Iron
Age and Medieval Remains at Zone B and Zone E: Archaeological Evaluation
Report – June 2014 Ref: 1629; Late Iron Age and Medieval Remains at Phase 2
Updated Geo-Environmental Desk Study Report – January 2013 Ref: 47065364;
Phase 2A Infrastructure Drainage Strategy January 2015 Ref: 47065328;
SuD’s & Surface Water Adoption Guide – November 2013 Ref: 47065328;
47065328/2A/5027 Rev P2; 47065328/2A/5028 Rev P2;
47065328/02/5075 Rev P2; 47065328/02/5076 Rev P2; 47065328/02/5077 Rev
P4; 47065328/02/5078 Rev P2; 47065328/02/5079 Rev P2;
47065328/2A/5030 Rev P4; 47065328/2A/7170 Rev P4; 47065328/2A/7171
Rev P2; 47065328/2A/7172 Rev P2; 47065328/2A/7508 Rev P2;
47065328/2A/7832 Rev P2; Beaulieu Chelmsford: Phase 2A Primary Alignment
– Stage 1 Road Safety Audit February 2015 / 47072460; Beaulieu Phase 2A
Primary Alignment Stage 1 RSA – Designers Response February 2015 / 47065328/99/9921; Beaulieu, Chelmsford Phase 2A Highway Material Schedule
Ref: 47065328/2A/9920; 47065328/2A/9806 Rev P5;

WEB
PBCS090
15/00081/REM
PEREMZ
The Council has given consideration to the application and plans as specified above, and hereby gives notice of its decision to APPROVE THE RESERVED MATTERS subject to the following:-

**Condition 1  Accordance with Submitted Plans & Conditions**
The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and conditions listed on the decision notice.

**Reason:**
In order to achieve satisfactory development of the site

**Condition 2  Sub-Station Finishes**
Notwithstanding the details shown on Drawing No's 47065328/2A/7170 Rev P4 - Phase 2A Highway Alignment Detailed Layout Plan Sheet 1, 47065328/2A/7172 Rev P2 - Phase 2A Highway Alignment Detailed Layout Plan Sheet 3 and 47065328/2A/9806 Rev P5 - Sub Station Locations _ Switch Room Locations and prior to the commencement of development, drawings for each sub-station including the switch room shall be submitted to and approved in writing by the local planning authority, which shall show elevation details of the final cladding and roof design. The sub-stations and switcher room shall be constructed in accordance with the approved plans and retained as such thereafter.

**Reason:**
In the interests of ensuring that the sub-stations have a satisfactory relationship with the Phase 2a road and do not detract from the objective of delivering a high quality neighbourhood which accords with the master planning principles contained within the Adopted North Chelmsford Area Action Plan and in accordance with Policies CP9, CP14, CP20, DC42 and DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 3  Compliance with Tree Report**
In relation to tree protection, tree surgery and construction methods, where relevant, the development shall only be carried out in accordance with the Arboricultural Impact Assessment: Phase 2A Infrastructure prepared by Hallwood Associates Ltd dated January 2015 unless the local planning authority gives its written consent to any variation.

**Reason:**
To safeguard the existing trees in accordance with Policy DC14 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 4  Building Methods (Trees)**
No development shall take place until an arboricultural method statement setting out arrangements for the building operations and excavations within the Root Protection Area of the trees labelled G739 and T738 identified for retention on the approved plans Tree Protection Plan 1 of 5 has been submitted to and approved in writing by the local planning authority.

**Reason:**
This information is required before any development commences on site because the use of the correct excavation methods will ensure that the tree roots are not damaged in order to safeguard the existing trees in accordance with Policy DC14 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 5  Compliance with Ecological Management Plan**
The development hereby permitted shall be constructed wholly in accordance with the licensing, mitigation and enhancement measures and requirements contained within the Ecological Management Plan for Land Included in the Beaulieu Phase 2 Application Area prepared by Richard Graves Associates dated January 2015; any variation to the measures and requirements shall be agreed in writing with the local planning authority.

**Reason:**
In the interests of wildlife habitat protection in accordance with Policies CP9 and DC13 of the Adopted Core Strategy and Development Control Policies Development Plan Document.
**Condition 6  Compliance with Biodiversity Statement**

The development hereby permitted shall be constructed wholly in accordance with the management and enhancement measures and requirements contained within the Biodiversity Statement for Land Included in the Beaulieu Phase 2 Application Area prepared by Richard Graves Associates dated January 2015; any variation to the measures and requirements shall be agreed in writing with the local planning authority.

**Reason:**
In the interests of achieving enhanced biodiversity through a range of measures in accordance with Policies CP9 and DC13 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Notes to Applicant**

1. **Outline Planning Permission**
   You are advised, for the avoidance of doubt, that the following conditions contained within the outline planning permission (09/01314/EIA refers) have been fully satisfied by the approved plans and reports:- 13 - Reserved Matters Content, 19 - Tree Report, 20 - Ecological Management Plan, 23 - Phasing Plan, 36 - Levels and 56 - Contamination.

   Details are required to be submitted to discharge the specified parts of the following conditions contained within the outline planning permission:-

   27 - Cycle Routes (surfacing and lighting), 28 - Walking Routes (surfacing and lighting), 38 - Hard Landscaping Works and Boundary Treatments ((ii) - Panel of Materials), 39 - Soft Landscaping Works ((i) Five Year Maintenance Plan and (ii) Earth Modelling, Mounding, Re-grading and/or Embankment Areas), 41 - Drainage and Service Runs (utility supplies and duct layout), 43 - Road Surface Materials ((iii) panel of materials) and 46 - Foul Sewage System (Awaiting Anglian Water Technical Approval).

   Details have yet to be submitted to satisfy the requirements of the following conditions contained within the outline planning permission:-


2. **S106 Agreement**
   You are reminded that the outline planning permission; 09/01314/EIA is subject to a legal agreement, and that the terms of this agreement must be complied with.

3. **Tree Planting**
   Any tree planting proposed within the highway, full details of which are to be submitted to and agreed in writing by the local planning authority in accordance with the requirements of Condition 39 of the outline planning permission (09/01314/EIA refers), shall be sited clear of all underground services and visibility splay and of a species sympathetic to the street lighting scheme. All proposed tree planting within the adopted highway must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.

4. **Protection of Public Rights of Way**
   You are advised that the public's right and ease of passage over Public Footpaths 4, 5 and 36 Springfield, 14 and 22 Boreham and 19 Broomfield shall be maintained free and unobstructed at
all times to ensure the continued safe passage of the public on the definitive rights of way. Any temporary closures / diversions of these rights of way that are considered appropriate in order to enable the works to be carried out are to be agreed with the Development Management Team at Essex County Council.

5 **Highways – S38 Agreement**

Final highway construction details are to be agreed as part of the Highways Act 1980 Section 38 discussions, particularly with regard to:-

a) Tree planting within, and maintenance of, future verges,
b) Ongoing SuD's maintenance,
c) Tree planting in under drained swales, and
d) Ramp gradients at the 'node' raised table.

Considerable discussion has taken place with regards the substantive detailing of the 'node' (junction of corridors 1 and 2) such that the position as illustrated in the Design and Access Statement dated 17th June 2015 is that which will be carried forward (subject to point (d) above).

6 **Highway Works**

All works within or affecting the highway shall be laid out, constructed and completed to the satisfaction of the highway authority; details to be agreed prior to the commencement of works. You are advised to contact development.management@essexhighways.org

7 **ECC Fire & Rescue Service**

You are advised that additional water supplies for firefighting may be necessary to serve the development and you are advised to contact the Water Technical Officer at Essex County Fire & Rescue Service Headquarters in this respect; tel 01376 576342.

8 **Essex and Suffolk Water**

Essex & Suffolk Water has advised that the developer should be made aware of the presence of a 500mm DI trunk water main when excavating for the swale and exercise due diligence within the vicinity of the main. You are advised to request copies of Essex & Suffolk Water's GIS records for the area of works, prior to the commencement of development, and to provide seven day's written notice of the date when excavation for the swale within the vicinity of the pipe is to commence, as a representative of Essex & Suffolk Water may wish to attend the site.

9 **Alterations to Existing Ditches**

Essex County Council Flood and Water Management Team has advised, in its capacity as Lead Local Flood Authority, that any works to alter the existing ditches will require its prior written consent under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Lead Flood Authority seeks to avoid culverting, and its consent for such works will not normally be granted except as a means of access.

10 **National Grid**

You are advised to contact National Grid prior to undertaking any works on site to ensure its apparatus is not affected.

You are reminded that it is the developer's responsibility to ensure that the information submitted is accurate and that all relevant documents, including links, are provided to all persons (either direct labour or contractors) working near National Grid's apparatus.

National Grid's consideration of the application has not included; (i) National Grid's legal interest (easement or wayleaves) in the land, which restricts activity within the proximity of its assets in private land; details of any such restrictions to be obtained from the landowner in the first instance and if in doubt, contact made with National Grid, (ii) gas service pipes and related apparatus, (iii) recently installed apparatus and (iv) apparatus owned by other organisations eg:- other gas distribution operators, local electricity companies, other utilities. Further essential guidance can be obtained on the National Grid website.
Positive and Proactive Statement

The Local Planning Authority provided advice to the applicant before the application was submitted and also suggested amendments to the proposal during the life of the application. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework to promote the delivery of sustainable development and to approach decision taking in a positive way.

Date: 20 August 2015

Signed:

David Green
DAVID GREEN
Director of Sustainable Communities

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE NOTES ATTACHED
Important Note: This Planning permission does not override the need to obtain any necessary approvals under the Building Regulations, Party Wall Act or any other relevant legislation. Separate approval may also be required in other areas, for example, restrictive covenants, shared agreements, easements, rights of way etc.

The provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this development and will be determined at Building Regulation Stage.

NOTICE TO APPLICANT WHERE RESERVED MATTERS ARE SUBJECT TO CONDITIONS

Appeals to the Department for Communities and Local Government
- If you are aggrieved by the decision of your Local Planning Authority to impose conditions on your permission for the proposed development then you can appeal to the Secretary of State for the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.

- If you want to appeal against the Council’s decision, then you must do so within six months of this notice, or within 28 days if the development as described in your application is the same or substantially the same as development that is currently the subject of an enforcement notice, using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. However, if your original application was for householder development, then you must lodge your appeal within 12 weeks of this notice. In this case your appeal will be dealt with by Written Representation in line with the Householder Appeals Service. Alternatively you can lodge an appeal via the Internet by going to www.planningportal.gov.uk/pcs. You can also find out more about this new service by going to www.planning-inspectorate.gov.uk

- The Secretary of State for the Department for Communities and Local Government can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.

- The Secretary of State for the Department for Communities and Local Government need not consider an appeal if it appears that the Local Planning Authority could not have granted planning permission for the proposed development having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

- In practice, the Secretary of State for the Department for Communities and Local Government does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by them.

Notification of Appeals to the Council
- You must send a copy of your appeal to the local authority. In accordance with appeal procedures, when forwarding copies of appeal forms and additional information, plans or drawings direct to the local authority, please send electronic copies to planning.appeals@chelmsford.gov.uk or address to the Director of Sustainable Communities, Chelmsford City Council, P.O. Box 7544, Civic Centre, Duke Street, Chelmsford, Essex, CM1 1XP.

Purchase Notices
- If either the Local Planning Authority or the Secretary of State for the Department for Communities and Local Government grant permission to develop land subject to conditions, the owner can claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI, Chapter I of the Town and Country Planning Act 1990.

Compensation
- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to them.
• These circumstances are set out in Section 114 and related to provisions of the Town and Country Planning Act 1990.