

Great Baddow**DECISION MADE BY THE DIRECTOR OF SUSTAINABLE COMMUNITIES**

Application No	:	15/00851/FUL Full Application
Location	:	Marrable House The Vineyards Great Baddow Chelmsford Essex CM2 7QS
Proposal	:	Demolition of existing building (Marrable House) and erection of 2 buildings (2 to 2 1/2 and 4 to 6 storeys) for 53 flats (17 x 1 bed and 36 x 2 bed) total, with 66 parking spaces and associated landscaping and footpaths.
Development Type	:	Small Major Dwellings (D07)
Drawing No(s)	:	AP227SK121/Rev A; AP227P101/Rev H; AP227P102/Rev E; AP227P103/Rev D; AP227P104/Rev D; AP227P105/Rev G; AP227P106/Rev E; AP227P107/Rev C; AP227P108/Rev D; 2532-PP-02/P4; 2532-PP-02/P3; APPENDIX A/Rev B Pt 2; LANDSCAPE MANAGEMENT SPEC./rev A; ARBORICULTURAL METHOD STATEMENT/6 May 2015; AIA 01; TPP 01 DEM; TPP 01 CONST; WH159/14/P/10.03; AP227P101/rev L;
Applicant	:	Mr Peter Luder Weston Homes Plc
Date Valid	:	11th June 2015
Target Date	:	29th January 2016
Case Officer	:	Robin Hosegood
Consult Expiry	:	1st October 2015

Description of the site

Marrable house is a six storey modernist, office block with a car park to the east side and a green to the west. It forms part of the 1960s Vineyards Principal Neighbourhood Centre of retail, flats, offices and associated car parking with vehicular access from The Causeway. It lies within the Great Baddow Conservation Area and contrasts in design, form, materials and scale with the surrounding streets of domestic scale buildings which are mainly of brick and render with pitched roofs.

Marrable House has been vacant for a number of years with the exception of a caretaker's office and youth centre on the ground floor. It appears to be in a poor state of repair with a number of broken windows on upper floors.

Other relevant applications

Marrable House has been largely vacant since 2003 and has been the subject of a number of planning applications in recent years.

Planning permission for a sheltered housing (flats) scheme at the Vineyards was granted on 11 May 2012 under the reference 11/01093/FUL. This was not implemented and the permission has now expired.

A subsequent planning application to demolish Marrable House and replace it with 57 flats in a new modernist 6 storey block, was refused under delegated powers on 5 December 2014 under reference 14/01232/FUL. The refusal reasons relate to poor design, failure to provide affordable housing and failure to justify the loss of public parking spaces to accommodate parking for the new flats. The applicant was Weston Homes.

A further application reference 14/01757/COUPA to determine whether the prior approval of the local planning authority would be required for the change of use of Marrable House, excluding the ground floor self-contained unit used as a youth centre, from class B1(a) (office) to C3 (residential) (30 flats), was refused under delegated powers on 23 December 2014. The reason for refusal was that it had not been demonstrated to the satisfaction of the local planning authority that the displacement of spaces currently providing parking space for users of the adjacent Vineyards Neighbourhood Centre, would not have unacceptable consequences in terms of highway safety and efficiency due to shortage of parking space. This application was allowed at appeal with the Inspector taking the view that matters relating to the displacement of car parking were not relevant because the landowner could close the car park at any time, as indeed took place in January 2015.

Details of the proposal

This application is to demolish Marrable House and replace it with two new residential buildings with associated parking and landscaping. The development would provide a total of 53 flats of which 17 would have one bedroom and 36 two bedrooms.

The principal building (Block A) would replace Marrable House broadly in situ but with a larger footprint and positioned approximately 2.5 metres nearer to the High Street. It is designed as two parts with a central link above a pedestrian route linking the green on one side and the car park on the other. The part nearest the Vineyards centre would be of five storeys with rooms in the roof-space and the part nearer to Maldon Road would have one storey less. The design language reflects a Victorian industrial style reminiscent of the old Baddow Brewery building in Church Street.

The second, smaller building (Block B) would be sited close to the principal building but a little to its northeast and nearer to Maldon Road. This would be of an "L" shaped type form of a maximum of two storeys plus rooms within the roof-space. This building is of a more domestic scale and its architecture reflects the context of Maldon Road.

Vehicular access would be from The Causeway. A total of 65 car parking spaces are proposed to serve the new development in a combination of surface and undercroft spaces.

Planning considerations

Main issues

- i) Principle of residential redevelopment of the site
- ii) The effect of the proposal on the character and appearance of the area with particular reference to design.
- iii) The effect of the proposal on open space provision
- iv) The effect of the proposal on highway safety with particular regard to car parking
- v) Whether the reduced affordable housing provision is justified?

Discussion

- i) Principle of residential development (CP1, CP6, CP25, DC63)

Marrable House has been mainly empty since 2003, is no longer required for office use and the quality of the accommodation is below the standard required today. In policy terms the residential use of the site close to shops, services and good transport links would enhance the Neighbourhood Centre and meet locational policies designed to achieve sustainable development.

- ii) Effect on character and appearance of the area (CP9, CP20, CP21, DC4, DC17, DC18, DC44, DC45)

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local planning authorities to pay special attention to the 'desirability of preserving or enhancing the character of that area'. Core Strategy and Development Control Policies CP20, CP21 and DC45 seek to achieve high quality design and layout in new development and in this objective are consistent with Government advice in the NPPF. Policy CP9 seeks to generally protect areas of built heritage including conservation areas. Policy DC17 – Conservation Areas follows the advice in Section 72, in requiring development to preserve or enhance the appearance of conservation areas. Section 66 of the Act places a duty to have regard to the desirability of preserving the setting of listed buildings which is reflected by Policy DC18 – Listed Buildings which seeks, amongst other things, to safeguard the setting of listed buildings. The Council has a Register of Buildings of Local Value adopted under CP9.

Marrable House is redundant, has no intrinsic merit and makes no positive contribution to the character of the conservation area. The demolition of the existing building is positive.

The design of the two proposed buildings is set out in the "Details of the proposal" section of this report above. The proposed Marrable House replacement building provides articulation and skyline interest to reduce its massing. Its scale and massing is acceptable in its context. The architecture and use of materials of both buildings pick up on local detail and materials. The car park to the development would be screened from key views. The green would be retained in an acceptable size and form with scope for public use.

The buildings would be sufficient distance from and of sufficient quality to not adversely impact on the setting of listed buildings in Maldon Road and the High Street. The design of the development is good and it would enhance the character and appearance of the conservation area.

New building and hard surfacing would be sufficient distance from existing trees so as not to harm their

health or adversely affect their future growth.

The development would respect boundary relationships and neighbouring living conditions.

Cycle and refuse storage arrangements are acceptable and conveniently located for the residents.

Policy DC44 requires new residential developments to provide a high degree of privacy and the use of private amenity space appropriate for the type of dwelling and its location. Further guidance is available within the supplementary planning document "Making Places". The proposal provides good sized balconies for most of the flats. Planting immediately adjacent to ground floor residential accommodation helps safeguard privacy. The development is immediately adjacent to the green which would provide immediate access to open space (see Open space section of this report below). In all, the development provides quality private space appropriate for the type of accommodation and its location in accordance with Policy DC44.

The design of the external spaces is of good quality with enhancements of the green area including new planting and footway links.

iii) Open space provision (CP12, CP18, DC39 and DC40)

Policy CP12 seeks to protect and enhance recreational provision. Policy DC39 seeks to protect and enhance existing open spaces where appropriate and DC40 requires all new residential development to provide a minimum of 52 sq. m. per dwelling of accessible open space and 30 sq. m. per dwelling of strategic open space unless a commuted sum is accepted.

The unfenced green space to the west of Marrable House is private land across which the owners have allowed informal public access. Much of this area is defined as amenity green space in the Council's PPG17 Assessment. The applicant is offering a public area of around 1200 sq. m. to be secured through a Unilateral Undertaking (UU) as publicly accessible space to be enhanced and to remain unfenced and accessible to the public.

The current position is that the landowner could fence off all of the land and deny public access should he so wish without the need for Council consent. The proposal results in the loss of a proportionately small part of the existing space as a result of the positioning of the new building nearer to the High Street, but the enhancement of the remaining area and the formalisation of public access through a UU would compensate for this loss. The developer proposes therefore to enhance the space with new planting and formalise public access. This is a considerable public benefit. The area would remain open in character in its entirety. Overall this proposal is acceptable and compliant with the objectives of Policies CP12, DC39 and DC40. A contribution towards strategic open space would be secured through CIL.

iv) Effect of the proposal on highway safety with particular regard to car parking (DC7)

Policy DC7 requires all development to comply with the parking standards contained within Appendix C of the Core Strategy. The Focused Review (December 2013) removes the reference to the standards being expressed as maximum but otherwise the standards are the same. The standard requires one space per dwelling to be appropriate in locations such as Marrable House where access to public transport is good.

In March 2015 the Council introduced Interim Residential Parking Guidance. This updates and clarifies the Council's parking standards for residential development, which are now based upon the size of dwellings. In relation to the application site the Interim Guidance indicates that for two bedroom dwellings, including

flats, 2 parking spaces are required. The Interim Guidance also sets a minimum size for parking spaces which, for parking courts, is 5.0m x 2.5m.

The proposed development would provide a total of 65 parking spaces to serve the 53 flats (17 x 1 bed and 36 x 2 bed). These include spaces within the Marrable House car park, spaces within the undercroft beneath part of the Vineyards shopping centre, which would be enlarged as part of the application proposals. The majority of the spaces meet or are very close to the Interim Guidance size requirement for larger parking bay sizes.

This means that the parking provision would exceed the Focused Review adopted standard by 12 spaces but if the Interim Guidance were to be adopted then there would be a requirement for 89 spaces and therefore a significant shortfall of 23 spaces.

In allowing the recent appeal on the prior determination application the Inspector considered the status of the interim Guidance and found that it had not been subject to public or external consultation. He noted that a comprehensive review of the City Council's car parking standards as part of a review of the Core Strategy was still to take place and concluded that the Interim Guidance should only carry limited weight. He therefore determined the appeal on the basis of the Focused Review standard.

The Inspector's stance on this issue carries considerable weight in the determination of the current application. The development is being proposed for determination with 65 parking spaces. No additional spaces are being offered by the developer. The supporting text to Policy DC7 in paragraph 3.20 of the Focused Review states that the parking standards should be applied flexibly and that lower off street parking standards may be permitted at high density residential developments in high accessibility areas. The availability of public transport will also guide parking provision with restraint being applied in locations where access to public transport is good. Marrable House is in a sustainable location within the Vineyards Centre and in a location where access to public transport is good.

In addition to considerations relating to parking standards the Inspector's decision on the prior determination appeal made it clear that in his view, any considerations relating to the displacement of public parking from the Marrable House car park or any consequences that flow from that, were not a consideration in relation to that application. Whatever the Council's position at the appeal the Inspector's view carries considerable weight in the determination of the current application. The current application is similar to the prior approval application in that the proposal meets adopted parking policy and displaced parking, following the inspector's argument, is not material to the case. Further, the additional spaces within the enlarged undercroft that are being made available to serve the development are not currently available to the public and the landowner can at any time require the vehicles currently parking within this area to be relocated. (In fact the scheme would retain a small number of basement spaces for use by others unrelated to the new development).

The proposal would exceed currently adopted Core Strategy parking policy. If however, there were to be some overspill parking at peak times there are parking controls on nearby roads in the form of single or double yellow lines. A parking survey of the locality undertaken by Essex County Council did reveal some queuing on The Causeway but these were short duration events rather than a systematic problem with traffic flow. The Highway Authority does not object to the application and in the overall context of the case it is considered that the proposal would not unacceptably harm traffic safety or cause undue problems on the highway network.

v) Affordable housing (DC32)

Policy DC32 – Affordable Housing supported by Policy CP15 – Meeting the Housing Needs of Our Communities requires on appropriate sites the provision of 35% of the total number of residential units to be affordable. The Policy states that the 35% requirement will only be reduced where it is demonstrated to the satisfaction of the Council that the scale of the obligation and other policy burdens would result in the proposed development not being financially viable.

The applicant has advised that it is not viable to provide any affordable housing at Marrable House. The application is accompanied by a Viability Report by Bespoke Property Group to support this contention. In accordance with the advice in the adopted Planning Obligations SPD, in effect from 1 June 2014, this Viability Report and subsequent information has been assessed by the Council's appointed independent viability advisor (Peter Brett Associates) (PBA). PBA has concluded that they concur with the applicant's assessment that the scheme is on the margins of viability with no affordable housing.

vi) Planning Obligation

A UU has been completed to secure maintenance of the open space and a public access agreement in relation to the main part of the open space.

vii) Other matters (CP10, DC22, DC24, DC36, DC43)

Policy DC24 – Energy Efficient Design and Use of Materials sets out the Council's requirements in relation to energy efficiency and the use of sustainable materials. Criterion (iii) of that policy relates to the now withdrawn Code for Sustainable Homes and is therefore no longer applicable. The Sustainable Development Checklist submitted with the application indicates that dwellings within the completed development should achieve the equivalent of Code Level 3 and a 10% reduction in CO2 emissions. This is acceptable in the context of the objectives of Policy DC24.

Matters relating to flood risk and drainage, including SuDS (CP10, DC22) can be addressed by condition. The application is unlikely to have any effect on nature conservation interests. The NHS has assessed the health impacts of the proposal and advise that subject to receipt of a contribution of £11,520 to mitigate the capital cost for the provision of additional healthcare services arising from the proposal they raise no objection. This will be addressed through CIL.

Policy DC36 – Accessible and Adaptable Developments requires all new housing developments to seek to meet the Lifetime Homes standard with a minimum of 3% of new dwellings of developments of 30 dwellings or more built to full wheelchair standards. The layout indicates two units (3 and 4) on the ground floor of the main block to be Wheelchair housing.

Policy DC43 seeks the provision of public art in new developments. This matter will be addressed by condition.

The Council's Statement of Community Involvement (SCI) sets out how local people should be involved in planning and development issues. The applicant has sought pre-application advice from the Council and has presented to the Parish Council and local ward members.

Conclusion

The design of the proposal is good and would enhance the character and appearance of the area. In the context of the sustainable location and the recent appeal decision on the prior approval application, no objection is raised on parking grounds or on the effect of the proposal on highway safety or the transport network. An appropriate amount of open space would be provided with public access to part of the green between Marrable House and the High Street secured. The development would make a useful contribution to housing supply. The applicant's case that the scheme cannot provide any affordable housing on viability grounds has been scrutinised by the Council's independent viability consultant who agrees that there is no surplus for affordable housing either as on site provision or as a commuted sum. Sustainability and SuDS policy objectives would be met.

All other matters including local objection to the proposals have been taken into account. The Unilateral undertaking referred to in this report has been completed permission can be granted.

Community Infrastructure Levy (CIL)

This application is CIL liable and there will be a CIL charge payable.

RECOMMENDATION

The application be **approved** subject to the following conditions.

Condition 1

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

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 3

With respect to any condition that requires the prior written approval of the local planning authority, the works thereby approved shall be carried out in accordance with that approval unless subsequently otherwise agreed in writing by the local planning authority.

Reason:

In order to achieve satisfactory development of the site

Condition 4

Prior to construction of any part of the building frame, superstructure, building cladding, construction of roads and hard landscaping areas, samples of all materials to be used in the construction of the external surfaces, including surface treatments, of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out using the approved

materials.

Reason:

In order to achieve satisfactory development of the site in accordance with Policy DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 5

Prior to the digging of any foundations, detailed drawings and sections showing the finished levels of all parts of the development in relation to the levels of the surrounding area and any adjoining buildings shall have been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is constructed at suitable levels in relation to its surroundings in accordance with Policy DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 6

Prior to construction of any part of the building frame, superstructure, building cladding, construction of roads or hardstanding areas large scale drawings (1:20 unless otherwise agreed in writing by the local planning authority) shall be submitted to and approved in writing by the local planning authority showing typical details relevant to that phase of the following:

- (i) fenestration, including elevations, set back and sections;
- (ii) the roofs showing roof features, eaves, soffit, gutter brackets and verges, parapets, rooftop plant, lift overruns and enclosures, flues, ventilation ducts, and other structures;
- (iii) balconies, including finished colour;
- (iv) rainwater goods;
- (v) treatment of ceilings to overhanging storeys;
- (vi) satellite dishes and burglar alarms;
- (vii) steps and ramps;

Reason

In order to achieve satisfactory development of the site in accordance with Policy DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 7

Prior to their use a panel showing samples of the brickwork and the colour, type and texture of mortar courses shall be constructed on site and agreed in writing by the local planning authority

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the character or appearance of the Conservation Area in which the development is situated in accordance with Policy DC17 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 8

In relation to tree protection, tree surgery and construction methods, where relevant, the development shall only be carried out in accordance with the Arboricultural Method Statement and appendices by Arbtech Consulting Limited dated 6 May 2015, subject to any minor variations that may be agreed in writing by local planning authority.

Reason:

To safeguard the existing protected trees in accordance with Policy DC14 of the Adopted Core Strategy and Development Control Policies Development Plan Document and other trees which are of amenity value

Condition 9

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.

Reason:

In order to add character to the development and to integrate the development into the area in accordance with Policy DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 10

Landscape management, maintenance and specification shall be undertaken in accordance with the Landscape Management and Maintenance Specification by Allen Pyke Associates, reference 2532-MP-02 revision P3 dated 24 August 2015 subject to any minor variations that may be agreed in writing by the local planning authority. ee surgery and construction methods, where relevant, the development shall only be carried out in accordance with the Arboricultural Method Statement and appendices by Arbtech Consulting Limited dated 6 May 2015, subject to any minor variations that may be agreed in writing by local planning authority.

Reason: To ensure that the landscaping and planting is properly maintained in the interests of the character and appearance of the area in accordance with policy DC45 of the Core Strategy and Development Control Policies Development Plan Document.

Condition 11

No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. construction vehicle routing.

Reason:

To ensure that the construction methods are safe and in accordance with best practice and in the interests of highway safety.

Condition 12

Details of bicycle parking facilities to serve the development shall be submitted to and approved in writing by the local planning authority.

Reason:

To ensure the suitable provision of facilities for cyclists in accordance with Policy DC7 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 13

The bicycle parking facilities shall be provided in accordance with the approved details prior to occupation of any part of the development they are intended to serve.

Reason:

To ensure the suitable provision of facilities for cyclists in accordance with Policy DC7 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 14

The parking areas for each block shall be provided and be available for use prior to the occupation of the dwelling units or other accommodation that they are intended to serve and shall not thereafter be used for any purpose other than the parking of motor vehicles ancillary to the use of the building.

Reason

To ensure that suitable parking facilities are available to serve the development in a manner that accords with the requirements of Policy DC7 of the adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 15

Prior to first occupation of the development the facility for the turning of large refuse vehicles shown in the "Site Location Plan and Ground Floor Plan drawing no. AP227 P101 revH" to the south of parking bays; 20, 21 and 42, shall be constructed, surfaced and maintained free from obstruction at all times for that sole purpose in perpetuity.

Reason: To ensure that large heavy goods vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

Condition 16

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council for each dwelling unit, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

Condition 17

Prior to first occupation of the development a refuse and recycling management plan shall be agreed in writing by the local planning authority and shall be implemented in perpetuity subject to any minor variation that may be subsequently agreed in writing by the local planning authority.

Reason: To ensure suitable management of refuse and recycling storage

Condition 18

The facilities for the storage of refuse and recyclable materials shall be provided in accordance with the approved details prior to the occupation of any building they are intended to serve.

Reason:

To ensure that suitable facilities for refuse disposal are provided and that such facilities are visually satisfactory.

Condition 19

No development shall take place within the site until the implementation of a programme of archaeological work in accordance with a written scheme of investigation has been secured and has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the agreed programme.

Reason:

This information is required prior to the commencement of the development because this is the only opportunity for archaeological investigation work to be undertaken. These works are required to ensure that adequate archaeological records can be made in respect of the site in accordance with Policy DC21 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 20

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. This should include drawing detailing the size, location and design of individual drainage features. The scheme shall subsequently be implemented prior to occupation.

Reason

- o To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- o To ensure the effective operation of SuDS features over the lifetime of the development.

Condition 21

Prior to commencement of the development the applicant must submit a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Condition 22

The adopting body responsible for maintenance of the surface water drainage system must record yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Condition 23

a) Within 6 months of commencement of development, details of how the development will achieve a minimum of 10% reduction in carbon dioxide emissions above the requirements of Building Regulations to include, where appropriate, drawings and specifications of any renewable energy or low-carbon technology proposed to meet this requirement, shall be submitted to and approved in writing by the local planning authority;

b) the detailed methodology for achieving these standards of construction shall be implemented as agreed.

Reason

To assist in reducing carbon dioxide emissions from developments and to ensure any renewable energy or low carbon technology is successfully integrated with building design in accordance with Policies CP11, DC4, DC24 and DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 24

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 no wall, gate or other means of enclosure other than hereby approved shall be erected within or along the boundaries of the site without the consent of the local planning authority. This restriction includes the

undercroft walkway beneath the main block.

Reason:

To ensure that the proposed development is visually satisfactory and does not prejudice the appearance of the locality in accordance with Policy DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

Condition 25

Prior to first occupation of the development details of any external lighting shall be submitted to and approved in writing by the local planning authority.

Reason

In the interests of the character and appearance of the area and safeguarding the living conditions of nearby residential property.

Condition 26

Open spaces shall be made available for use in accordance with a timetable to be agreed in writing by the local planning authority prior to first occupation of the development.

Reason

To ensure adequate provision and availability of open space to serve the development.

Condition 27

Within six months of commencement of development a written statement of public art shall be submitted to the local planning authority for approval. This should include the selection and commissioning process, the artist's brief, the budget, possible form, mediums and locations of public art, the timetable for provision, maintenance agreement and community engagement, and the development shall be carried out in accordance with the approved details.

Reason:

In order to secure satisfactory provision of public art in accordance with Policy DC43 of the Chelmsford Borough Core Strategy and Development Control Policies Development Plan Document.

Notes to Applicant

- 1 In order to cause minimum nuisance to neighbours, the applicant is strongly advised to follow guidelines for acceptable working hours set out by the Council's Public Health and Protection team.

Noisy work

- Can be carried out between 0800 and 1800 Monday to Friday
- Limited to 0800-1300 on Saturdays
- At all other times including Sundays and Bank Holidays, no work should be carried out that is audible beyond the boundary of the site

Light work

- Acceptable outside the hours shown above
- Can be carried out between 0700 and 0800; and 1800-1900 Monday to Friday

In some circumstance further restrictions may be necessary.

For more information, please contact Chelmsford City Council Public Health and Protection Services, or view the Council's website at www.chelmsford.gov.uk/construction-site-noise

- 2 The proposal will be subject to Section 219 or 220 of the Highways Act 1980 which will involve the payment of a sum of money or security of such payment, **before work can commence**, to cover the cost of the private street works.

Alternatively, the Highway Authority (Essex County Council) is prepared to enter into an agreement under Section 38 of the Highways Act 1980, which must be **signed before works commence**. It is therefore advisable that an early approach is made to the Highway Authority. Contact details are: Development Management Team, Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU. Telephone via Contact Essex: 0845 603 7631. Email: development.management@essexhighways.org.

- 3 The Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. Contact details are:
Development Management Team,
Essex Highways,
Springfield Highways Depot,
Colchester Road,
Chelmsford
CM2 5PU.
Telephone: 0845 603 7631. Email: development.management@essexhighways.org.

- 4 The proposed demolition in the scheme should not be carried out until you have given notice to the Chelmsford City Council (Building Control Manager) of your intention to do so pursuant to Section 80 of the Building Act 1984.

Notice should be in writing and accompanied by a block plan (e.g. 1/500) clearly identifying the building(s) to be demolished.

- 5 You are reminded that this application is subject to a Unilateral Undertaking.

- 6 The proposed development is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as Amended). A Liability Notice will be sent as soon as possible to the applicant and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at www.chelmsford.gov.uk/cil.

- 7 The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

- 8 The Access Officer, Chelmsford City Council, should be contacted on 01245 606328 for specific requirements to meet the needs of disabled people which are relevant to the proposal hereby approved.

- 9 You are advised to contact Essex County Fire and Rescue at eastareacommand@essex-fire.gov.uk to ensure that all their requirements in relation to the development are met.
- 10 You are encouraged to provide a proportion of electric charging points with spaces for vehicles.

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.

SUMMARY OF RELEVANT PLANNING POLICIES:

CP1

Core Policy CP1 Securing Sustainable Development - The City Council will promote and secure sustainable development by linking housing and employment needs and directing development to locations supported by effective transport provision, leisure, community and other essential services, whilst minimising damage to the environment and actively securing environmental enhancements. When considering development proposals the City Council will take a positive approach reflecting the presumption in favour of sustainable development contained in the NPPF.

CP4

Core Policy CP4 - Securing Infrastructure - The Council will require, through the use of planning contributions, that all new development meets the necessary on and off-site infrastructure requirements required to support the development and mitigates the impact of that development on existing community interests. Standard charges and/or standard formulae, as appropriate, will be imposed for payment of financial contributions towards infrastructure, works or facilities.

CP6

Core Policy 6 Promoting Urban Renaissance - The City Council will promote sustainable urban living through development proposals that support a diverse range of uses where people live, work and enjoy leisure time.

CP9

Core Policy CP9 Protecting Areas of Natural and Built Heritage Importance - The City Council is committed to protecting and enhancing the City's important natural and historic environment and will therefore seek to sustain biodiversity, archaeological and geological conservation.

CP11

Core Policy CP11 Energy Efficiency, Renewable Energy and Recycling - The City Council will expect development to have a net beneficial effect on the local and global environment by promoting more energy efficient development, minimising energy consumption, pollution and waste, and incorporating recycling facilities.

CP12

Core Policy CP12 Protecting and Enhancing Recreational Provision - The City Council will seek to maintain and

enhance the provision of formal and informal recreation facilities, at appropriate locations within the City, including the designation of new local parks and gardens, country parks and other public open spaces.

CP14

Core Policy CP14 Environmental Quality and Landscape Character - The City Council will promote and support the enhancement of the environmental quality of the City's countryside and settlements through the preparation of a Landscape Character Assessment and Village Design Statements.

CP15

Core Policy CP15 Meeting the Housing Needs of Our Communities - The City Council will require a mix of dwelling types and sizes, including affordable housing, to be provided in each new housing development to accommodate a balance of different household types and contribute to the creation of mixed and inclusive communities.

CP20

Core Policy CP20 Achieving Well Designed High Quality Places - The City Council will require the layout and design of all development to create well designed high quality successful places for living and working.

CP21

Core Policy CP21 Ensuring Buildings are Well Designed - All new buildings should be well designed, fit for purpose, appropriate for the site and its setting and adaptable for long term use. Additionally they should be designed to make best use of sustainable construction techniques.

DC4

Development Control Policy DC4 Protecting Existing Amenity - All development proposals should safeguard the amenities of the occupiers of any nearby properties by ensuring that development would not result in excessive noise, activity or vehicle movements, overlooking or visual intrusion and that the built form would not adversely prejudice outlook, privacy, or light enjoyed by the occupiers of nearby properties.

DC5

Development Control Policy DC5 Securing Mixed Use in Major Developments in the Town Centres and Principal Neighbourhood Centres - Sets criteria for a suitable mix of uses within Chelmsford Town Centre, South Woodham Ferrers Town Centre and Principal Neighbourhood Centres, and within proposed neighbourhood centres to be defined within the North Chelmsford Area Action Plan area.

DC7

Development Control Policy DC7 Vehicle Parking Standards at Developments - All development will be required to comply with the vehicle standards as set out at Appendix C of the Core Strategy and Development Control Policies Development Plan Document.

DC8

Development Control Policy DC8 Health Impact Assessments - The City Council aims to ensure that development is designed to promote healthier living in the built environment. Health Impact Assessments will consider the environmental impact upon health and developers will also be required to assess their impact upon existing health services and facilities.

DC14

Development Control Policy DC14 Protected Trees and Hedges - Planning permission will be refused for any development that would be liable to cause demonstrable harm to protected woodland, trees and hedgerows, unless conditions can be imposed requiring the developer to take steps to secure their protection.

DC25

Development Control Policy DC25 Water Efficiency and Sustainable Drainage Systems - The City Council requires developments to incorporate measures that reduce the demand for water, and the provision of sustainable drainage systems for the disposal of surface water within and leading from development sites.

DC24

Development Control Policy DC24 Energy Efficient Design and Use of Materials - The City Council will require new dwellings and non-residential buildings to incorporate sustainable design features to reduce carbon emissions and the consumption of natural resources. Five or more dwellings, non-residential developments greater than 1000 sqm are required to achieve 10% reduction or more in carbon dioxide emissions above current building regulation requirements. A statement must be submitted specifying how this will be achieved. All new dwellings are required to achieve a minimum rating of level 3 of the Code for Sustainable Homes (or its successor). Non-residential buildings shall have a minimum BREEAM rating (or its successor) of Very Good. Where possible new buildings to utilise a minimum of 20% of sustainable building materials and/or reuse of recycled materials.

DC36

Development Control Policy DC36 Accessible and Adaptable Developments - All new developments, and particularly housing, shall be designed from the outset so as to promote inclusive design, and ensure that all measures needed to promote accessibility and adaptability are achieved in a visually acceptable manner.

DC37

Development Control Policy DC37 Protecting Existing Local Community Services and Facilities - Sets the criteria for circumstances where proposals for redevelopment or change of use of a facility or service which supports the local community in all parts of the Borough, whether of a commercial nature or not, will be permitted.

DC40

Development Control Policy DC40 Public Open Space for New Residential Developments - Outlines requirements for provision and, where appropriate, commuted sum payments.

DC42

Development Control Policy DC42 Site Planning - Planning permission will be granted for development proposals where the site planning and design of building spaces arranges access points, routes within the site, public and private spaces, building forms and ancillary functions in an efficient, safe, workable, spatially coherent and attractive manner, incorporates existing site features of value and does not cause unacceptable effects on adjoining sites, property or their occupiers.

DC43

Development Control Policy DC43 Promoting Public Art in New Development - The City Council will seek the provision of public art in association with all developments of 10 or more dwellings or for more than 1,000 square metres of floorspace or that have significant impact upon the public realm or a high degree of public access.

DC44

Development Control Policy DC44 Private Amenity Space - All new dwellings will be required to have a high degree of privacy and the use of private amenity space appropriate for the type of dwelling and its location.

DC45

Development Control Policy DC45 Achieving High Quality Development - Planning permission will only be granted for new buildings and extensions to existing buildings provided that they are well designed in themselves and amongst other matters, the siting, scale form and detail of the proposed buildings has an appropriate visual relationship with the character and appearance of the surrounding area.

DC63

Development Control Policy DC63 Neighbourhood Centres - The change of use from ground floor Class A1 will not normally be permitted within the Principal and Local Neighbourhood Centres frontages as defined on the Proposals Map, unless the proposal would reinforce that function.

Background Papers

Case File

Neighbours

14 representations received. Four of these support the application but the remainder either object or have concerns about matters relating to the construction period. The most common recurring theme raised by objectors relates to car parking.

1. There is support for the demolition of Marrable House but concern that the scheme in its entirety represents overdevelopment and that block A is incompatible with its surroundings in terms of its scale and design.
2. The proposal results in the displacement of car parking which until recently has been publicly available and would introduce additional parking demand from the new development in a locality where car parking can be a problem. Following the closure of the “Marrable House” car park to general parking further spaces have been withdrawn from public car parking in the part of the Vineyards north car park immediately adjacent. The proposed development does not provide enough car parking. As a result of this and the withdrawal of public parking spaces the result is likely to be more on street parking in nearby streets, potential for the obstruction of emergency vehicles and congestion.
3. Concern is expressed that adequate site splays and safe visibility cannot be achieved at The Causeway junction where sight lines are affected by the bus shelter and on street car parking.
4. The scheme fails to provide any affordable housing.
5. Concern is expressed about the loss of the youth facility venue on the ground floor of the existing building.
6. Concern is expressed that the proposal does not provide any public toilets.
7. It is questioned whether utility provision in the area is adequate to accommodate the development.
8. There are concerns about the construction period, whether this will be adequately managed and the resulting level of noise and disruption and the effect this will have on existing nearby residents.
9. Baddow Brook is culverted beneath part of the green and could be damaged as a result of construction activity.
10. If permission is to be granted public access to the green should be secured along with retention of the pedestrian ramp linking High Street with the Vineyards Centre.

The representations of support are summarised below:

11. The proposal would result in the removal of the unsightly Marrable House and its replacement with well designed, much needed housing in a location near to existing facilities with sufficient car parking.

Comments

1. See report. The form scale and design of the scheme is considered to be appropriate to the location and would enhance the conservation area.
2. See report.
3. The highway authority does not object to the proposal on this basis.

4. See report.

5. The loss of the youth facility is acknowledged but as part of the s.106 agreement relating to the 2012 planning permission the then landowner and applicant was required to make a financial contribution towards youth facilities as compensation for loss of the premises. This has been paid and on this basis its loss has been mitigated.

6. The old public toilets at the Vineyards closed some years ago. It would not be a reasonable requirement in all the circumstances for the residential development now proposed to provide any public toilets. The owners and managers of the centre are aware of local interest in providing some public toilets.

7. Essex and Suffolk Water and Anglian Water do not object to the proposal.

8. This is addressed at condition 11.

9. It would be the responsibility of the contractor/developer to make good any damage that may occur.

10. See report. Access to the green is secured through the s.106 agreement.

Parish Council

No objection in principle provided the following comments are considered:

1. Parking – Some concerns have been raised but it is accepted that some compromise will have to be made.

2. Site construction/public access – It is requested that a condition be put in place to ensure access to the shopping centre is maintained with adequate parking along with retention of the access ramp.

3. Affordable housing – Affordable housing should be provided if financially viable.

4. Greensward – The greensward should be made open to the public and it is requested that it is transferred into public ownership.

5. Youth provision – If permission is granted there should be a contribution towards relocation of the youth drop in centre.

Comment

1. Noted, see report.

2. The applicant has indicated that the access to the shopping centre will be retained along with retention of the access ramp. Retention of adequate parking to the shopping centre can be addressed by condition.

3. See report.

4. See report and recommendation.

5. See neighbour comment 5 above.

Highway authority

No objection subject to submission and approval of a construction method statement and turning and parking provision being provided prior to first occupation.

Environment Agency

No comment

ECC SuDS

No objection subject to conditions to ensure compliance with the FRA submitted with the application.

Anglian Water

No objection subject to a condition requiring agreement of a surface water drainage strategy.

Essex and Suffolk Water

No objection.

Historic England

The current proposals would be more contextually sympathetic in this location within the Great Baddow Conservation Area than the previously approved scheme in terms of scale, bulk, massing and detailed design and advise no objection.

NHS England

NHS England requests a developer contribution of £11,520 to mitigate the capital cost for the provision of additional healthcare services arising directly as a result of the development proposal.

ECC Fire and Rescue

No objection.

ECC Historic Environment Branch

The development lies in an area of archaeological interest and a condition is required to secure a programme of archaeological work.

Public Health and Protection Services

Please add the construction times informative.

Operational Services Recycling and Waste

The storage capacities are acceptable. All bins are to be presented at a central location by the management company on the relevant collection day.