



LEE VALLEY REGIONAL PARK AUTHORITY

**REGENERATION AND PLANNING
COMMITTEE**

19 JANUARY 2023 AT 11:30

Agenda Item No:

5

Report No:

RP/66/23

PLANNING CONSULTATION BY BROXBOURNE BOROUGH COUNCIL

**AMENDED PLANS IN RESPECT OF REDEVELOPMENT OF LAND AT DELAMARE ROAD TO PROVIDE A RESIDENTIAL-LED MIXED-USE DEVELOPMENT COMPRISING 425 RESIDENTIAL UNITS AND ANCILLARY RESIDENTIAL FLOORSPACE; UP TO 2436 SQM OF NON-RESIDENTIAL FLOORSPACE INCLUDING OFFICE (CLASS E(G)(I) LIGHT INDUSTRIAL (CLASS E(G)(III) LEISURE (CLASSES E(D) AND SUI GENERIS), COMMUNITY (CLASS E(E)-(F) AND CLASS F1)) FLOORSPACE AND RETAIL (CLASS E(A)(B)(C)) A NEW LOCAL CENTRE, PLAZA, LANDSCAPING, CAR PARKING, CYCLE PARKING, PEDESTRIAN CYCLE AND VEHICULAR ROUTES AND ASSOCIATED WORKS. REF: 07/22/0597/F
PARCELS 12 & 13 LAND AT DELAMARE ROAD, CHESHUNT, EN8 9AP**

Presented by Head of Planning

SUMMARY

Amended plans have been submitted for the residential-led mixed use redevelopment of Parcels 12 and 13 land at Delamare Road, part of the wider Cheshunt Lakeside masterplan area which lies adjacent to the River Lee Country Park. The Authority objected to the original application, (considered in September 2022), principally due to the scale and design of certain elements located close to the Regional Park boundary and the negative impact these would have on the Park's landscape, ecology and the recreational amenity of visitors. The proposed changes have to a large extent addressed the Authority's concerns in particular through the reduction in height of key buildings within the application site. It is considered that the remaining issues can be dealt with by way of conditions should the Council be minded to grant consent. It is therefore recommended that the Authority withdraws its objection to the current proposal.

RECOMMENDATIONS

Members Approve: (1) that Broxbourne Borough Council be informed that the Authority withdraws its objection to the proposed residential led mixed use

redevelopment of Parcels 12 and 13, on land at Delamare Road, following the submission of amended plans and the reduction in height of the landmark building within Block 8;

- (2) that following consideration of the amended plans the Council also be informed that the Authority does not now object in principle to the proposed development providing the following conditions are attached to any grant of consent requiring:
- a) a detailed Landscape Strategy including a scheme of native buffer tree planting alongside the eastern edge of the application site so as to establish and maintain a suitable all season landscape screen and wildlife corridor close to the Regional Park;
 - b) provision of a site wide lighting strategy designed in accordance with the 'Institute of Lighting Professionals (2018), Bats, and Artificial Lighting in the UK Guidance Note 08/18';
 - c) a Construction Environment Management Plan (CEMP) to ensure the protection of habitats and species both on-site and off-site within the adjoining River Lee Country Park area during the construction phase;
 - d) an Ecological Mitigation and Enhancement Strategy to include the long-term monitoring of the habitats and species present both on and adjacent to the site, and to ensure Biodiversity Net Gain requirements are being met;
 - e) the allocation of Section 106 monies to the River Lee Country Park proportionate to the uplift in residential units for Parcels 12 and 13, in order fund further visitor infrastructure improvements, and habitat enhancements to mitigate for the increased recreational impacts; and
- (3) that Broxbourne Borough Council be informed that the Authority would wish to be consulted on the above matters in due course.

BACKGROUND

1 Location

The application site relates to two parcels of land within the wider Cheshunt Lakeside development and is located to the south of the masterplan area. It

occupies approximately 1.89 hectares comprising the site of the former Tesco headquarters which has now been demolished. To the west the site is bounded by Delamare Road, with Windmill Lane and Parcel 14 of the outline consent to the south, Parcel 11 to the north and along the eastern boundary, the rail line and Network Rail Depot.

- 2 Immediately on the other side of the rail line lies the River Lee Country Park (RLCP) a major visitor attraction and access to nature site within the Regional Park. It includes a mosaic of varied habitat including the Turnford and Cheshunt Plts Site of Special Scientific Interest (SSSI) which also forms part of the Lee Valley Special Protection Area (SPA) and Ramsar site. Cheshunt Station and Windmill Lane provide a main gateway to the RLCP and its network of foot and cycle paths. Despite the application site's location outside the Regional Park it lies only 50 m from the boundary of the SSSI. Please refer to the Plan at Appendix A which shows the location of the application site and its position in the wider masterplan area.
- 3 **Planning History**
Outline planning permission was granted in August 2019 for the Cheshunt Lakeside residential-led mixed use development (ref: 07/18/0461/0). This seeks to provide 1,725 apartments, up to 19,051sqm of commercial space with associated community and leisure uses, a two form entry primary school and the creation of a new plaza and link access from Windmill Lane, plus associated landscaping, parking, pedestrian and cycle routes. The masterplan approved under this outline consent divides the site into phases in which the development of Cheshunt Lakeside will be brought forward, with each phase split into development parcels. The outline consent includes 47 planning conditions several of which set out development parameters for future reserved matters applications, and obligations under a Section 106 Agreement.
- 4 The Authority responded to the original outline application in June 2018 and placed a holding objection pending the submission of further information to resolve areas of concern; namely the 'prematurity' of the application given the likely impacts of the Crossrail 2 scheme, inadequate and inaccurate ecological information and a lack of planning obligations to adequately mitigate for the increase in visitors to the Park from the development, Ref: RP/20/18. Revisions to the original application were considered at Regeneration and Planning Committee in November 2018 (RP/24/18) when the Authority objected to the application. Although satisfied about the detail and scope of additional information included in the revised scheme on the environmental mitigation strategy, there were still concerns as to the amount of moneys to be made available for 'visitor infrastructure' and no changes were included on the identification of 'safeguarding land' for a new bridge following the proposed closure of Windmill Lane.
- 5 The outline permission granted in August 2019 is accompanied by a Section 106 Agreement which includes under Schedule 7 a Lee Valley contribution of £750,000 towards visitor facility improvements and habitat mitigation measures within the River Lee Country Park, to be paid in instalments as the phases of the development are occupied. Officers are currently liaising with the Council to bring forward the first set of visitor and habitat works in line with the occupation of Phase 1A Parcel 11.
- 6 Parcels 12 and 13 represent the next stage in bringing forward the Cheshunt Lakeside development and include the delivery of a new local centre. The

application as originally submitted in July 2022 sought to make a number of changes to the scheme as currently consented in outline, hence it took the form of a new standalone detailed application. The changes over the outline consented scheme included an uplift of 97 residential units and an increase in building heights across the three proposed blocks including one building of 14 storeys – the parameter plans set a maximum building height of 7 storeys. It was understood that if consented this application would then sit alongside the current outline consent and would not fetter the wider outline consent; the associated S106 would also be honoured.

7 The Authority considered this original application in September 2022 (report ref: RP/60/22) and objected to the application on the grounds that:

a) the height of the landmark building within Block 8, at 14 storeys will have a negative impact on the visual and recreational amenity of visitors to the River Lee Country Park and undermine the secluded and attractive landscape character of the area. The landmark building should be reduced in accordance with the heights consented under the outline consent and the parameter plans, Broxbourne Borough's Local Plan Policy CH1 Cheshunt Lakeside and to take account of its location in relation to the Regional Park;

b) further consideration needs to be given to the design of buildings within Block 8, in particular the bolt on balconies which face onto the Regional Park boundary, to reassure the Authority that disturbance from light pollution will not adversely impact upon the ecology of the Park, the biodiversity buffer, or the green biodiverse roofs proposed as part of the development;

Other matters were also raised regarding a lighting strategy, landscape management and S106 contributions (if the application was approved). Members were also concerned at the number of car parking spaces provided as part of the development given its accessible location adjacent to Cheshunt Station.

8 Amended Plans

The applicant has now made revisions to the submitted application for Parcels 12 & 13. This includes amended plans and changes to the design in response to the post-submission consultation comments raised by officers and Members at Broxbourne Council, statutory consultees such as the Regional Park Authority and other stakeholders. These are set out below.

PLANNING APPRAISAL OF PROPOSED AMENDMENTS

9 The proposed amendments are as follows:

- Overall reduction in the maximum proposed building heights to eight storeys (from 9 and 14 storeys).
- Reduction in the proposed residential units to 425 (a reduction of 46).
- Revised residential unit mix.
- Reduction in residential car parking consistent with the reduction in units (maintaining the 1:1 provision as previous) and height reduction in the multi-storey car park from 6.5 to 6 storeys.
- Reduction in residential cycle parking consistent with the reduction in units.
- Revised architectural treatment to Block 8.

10 Height and Design

Members will recall that the proposed scheme consists of 3 separate blocks of buildings; Blocks 7 and 8 are located within Parcel 12 and Block 5 within Parcel 13. Originally these Blocks provided a range of heights between 5, 9 and 14 storeys broadly positioned around a new public plaza and green link through to the Parcel 11 in the north. Please refer to the images in Appendix B which show first the original proposed heights and secondly, the building heights of the revised scheme.

- 11 The scheme has now been amended so that Block 7 provides for 228 residential units (234 in the previous scheme) and Block 8 which is located close to the railway on the eastern side of Parcel 12 provides for 144 residential units (previously 184). The reductions in height apply to two buildings within these blocks. First the 14 storey 'landmark' building within Block 8 (Parcel 12) which sits adjacent to the public square has been reduced to 8 storeys and second the corresponding building opposite within Block 7, which is reduced from 9 to 8 storeys. Immediately to the south of Block 7 is Parcel 13 and Block 5. Here the number of residential units remains the same at 53 units but the reduction in car parking units (consistent with the reduction in residential units) has resulted in a reduction to the height of the multi-storey car park from 6.5 storeys/levels to 6 storeys.
- 12 In terms of the Regional Park, the reduction in building heights is most significant in respect of Block 8 where the 14 storey building has been reduced to 8 storeys. Likewise reducing the 9 storey building that sits behind or opposite the landmark building in Block 7 is also helpful in terms of impacts upon the Park, its landscape character and the visual and recreational amenity of visitors. These changes will reduce the visual impact of the development on the adjoining areas of the RLCP and its recreational visitors by lowering the built form to more closely align and sit within the existing wooded edge or buffer to the Park area. These changes are in line with Broxbourne's Local Plan policy CH1 Cheshunt Lakeside which specifies a maximum of 8 storeys, although the parameter plans for the consented scheme set a height limit of 7 storeys. They also accord with the Regional Park's landscape strategy which seeks to protect the coherent and mostly undeveloped landscape character of the RLCP.
- 13 The development will however still be visible from within the Park both through and to some extent above the tree line, in particular during the winter season when leaf cover is significantly reduced. This was noted to be the case in the previous report, although considered a secondary factor given the dominance of the 14 storey building when viewed from within the Park. The revised Townscape and Visual Impact Assessment (TVIA) accompanying the amended plans confirms that in winter the amended scheme would be visible particularly from those parts of the RLCP adjoining the railway and application site. It states the development would "impact the sense of seclusion within the park and the sense of enclosure experienced at ground level". Overall it concludes this will result in a minor adverse effect to some visual receptors (people) experiencing views westwards from within the Park. This impact will vary considerably with the seasons and in late spring summer most of the development will be screened by the vegetation along the Park boundary.
- 14 The architectural treatment of the buildings has been designed to create visual interest and define a legible character of distinct and related blocks thereby improving the character and appearance of the townscape. The amended scheme retains the design treatment for the landmark building with a light

coloured frame element, described as a 'unique elevational treatment' which will ensure it can be differentiated from all the other buildings and enable it to remain as a focal element in the scheme. The design treatment of the adjacent building immediately to the east and therefore close to the Park boundary which remains at 8 storeys, has been altered however by introducing a lighter buff coloured brick for the top floor to help reduce its visual height.

- 15 In conclusion the key change sought by the Authority in its objection has been achieved through the proposed reduction in heights within the three Blocks and in particular the lowering of the 14 storey landmark building. In terms of the seasonal visibility issue, it would not be possible to hide or fully screen the visual impact of this development from the Park and its visitors, particularly in terms of views out from those areas of the RLCP immediately adjoining in the winter. A further reduction in height so that the visual issue is overcome is also unlikely to prove viable.
- 16 The design treatment is therefore accepted as one mechanism to add interest and create a quality townscape to this boundary with the Park. It is also recommended that the landscape treatment of the area between the development and the Park boundary incorporates appropriate native planting that will over time soften the interface between the two areas. The Landscape Statement (October 2022) accompanying the amended plans identifies this area along the eastern edge of Parcel 12, adjacent to the railway and the Park as 'Natural Habitat' an area to be planted with wildflower meadows and native 'buffer' tree types. Trees identified for this area have been selected for their versatility and screening opportunities so as to "enforce a strong native tree buffer to the eastern boundary". These measures should be secured by condition on any grant of consent in order to assist in establishing and maintaining, a suitable all season landscape screen, and wildlife corridor along the eastern edge of the site.
- 17 **Lighting and Balcony Design**
The amendments proposed have not directly addressed the matter regarding the design of buildings within Block 8, specifically the bolt on balconies which face onto the Regional Park boundary and the associated issue of light pollution to the biodiversity buffer along the eastern edge of the site and ecology of the adjoining Park area. The image included in the Design and Access Statement 'Aerial View of revised Cheshunt Lakeside Proposals (please refer to Appendix C to this report) shows the bolt on balconies on the blocks close to the Park boundary.
- 18 However elsewhere in the amended submission the Preliminary Ecological Appraisal (PEA) October 2022, identifies the need for a sensitive lighting strategy to be included as part of the development and recommends that this should be conditioned as part of an ecological mitigation and enhancement strategy. This would ensure the issue of lighting and light pollution is considered in relation to both the existing ecology and that proposed as part of the development, including habitat enhancements identified to deliver the biodiversity net gain scheme.
- 19 Finally the applicant has stated in the Planning Statement Addendum that the Authority's recommendation that a lighting strategy should be required as a planning condition, designed in accordance with the 'Institute of Lighting Professionals (2018) Bats and Artificial Lighting in the UK Guidance Note 08/18' would be acceptable "as a planning condition required prior to any above ground

works". It is therefore reasonable to assume that these measures should address the Authority's concerns on the matter of light pollution and officers will wish to be consulted on any lighting strategy in due course.

20 Other Matters

The PEA recommends that a Landscape and Ecology Management Plan (LEMP) should be included as part of the development proposals to be secured via a condition, should the Council be minded to grant consent. This is endorsed by officers and should form part of a package of measures including the production of:

- a Construction Environment Management Plan (CEMP) to ensure the protection of habitats and species on-site during the construction phase. The CEMP should also take account of habitats and species off-site within the adjoining RLCP; and
- an Ecological Mitigation and Enhancement Strategy (also recommended in the PEA) to include the long-term monitoring of the habitats and species present both on and adjacent to the site, to ensure Biodiversity Net Gain (BNG) requirements are being met and that any management changes can be implemented if mitigation measures are not achieving their intended goals.

21 Section 106

The Authority, in its response to the original application (September 2022) requested additional financial contributions to be provided commensurate with the proposed uplift of 97 residential units above the allowance specified for Parcels 12 and 13 under conditions associated with the original outline application. This uplift has now been reduced to 51 residential units. The applicant makes the case in the amended application that the S106 package for the outline application was based on the original figure of a total of 1,853 residential units across the whole Cheshunt Lakeside site, although the Outline Consent granted permission for a total 1,725 units. The point is made that as the uplift of 51 residential units for Parcels 12 and 13 does not result in an exceedance of the 1,853 figure there should not therefore be additional impacts which require mitigation by way of additional S106 contributions.

22 It is understood however from the information supplied in the Planning Statement Addendum that the final package of S106 contributions from this application has yet to be discussed and agreed. The fact remains that the current amended proposal results in an uplift of 51 units above the allowance specified for Parcels 12 and 13. This will still result in an increase in footfall through the RLCP which in itself is a major benefit for new residents. It is therefore considered appropriate for the Authority to seek further S106 contributions proportionate to the uplift in units for Parcels 12 and 13 and the increase in footfall within the Regional Park. These monies would enable the Authority to expand its current list of habitat and visitor access improvements within the RLCP, in accordance with the designated status of the area and to develop further its homeowner engagement measures.

23 Conclusion

The main change sought by the Authority in its objection to the original application has been achieved through the proposed reduction in heights within the three Blocks and in particular the lowering of the 14 storey landmark building within Block 8. Other matters relating to seasonal visibility and impact of the development from those areas of the RLCP adjoining the application site can to

some extent be mitigated by the proposed design of the residential blocks and the landscape treatment of the area between the development and the Park boundary, although it will be important to secure appropriate conditions for landscape, lighting, and the protection of habitats both on and off-site during construction and operation of the scheme, should the Council be minded to grant consent.

ENVIRONMENTAL IMPLICATIONS

24 These are addressed in the body of the report.

FINANCIAL IMPLICATIONS

25 There are no financial implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

26 Planning applications referred to this Authority are submitted under the consultative arrangements of Section 14 (4-7) of the Lee Valley Regional Park Act 1966. The Act requires a local planning authority to consult with the Authority on any planning application for development, whether within the designated area of the Park or not, which might affect any part of the Park.

27 The Park Act enables the Authority to make representations to the local planning authority which they shall take into account when determining the planning application.

RISK MANAGEMENT IMPLICATIONS

28 There are no risk management implications arising directly from the recommendations in this report.

EQUALITY IMPLICATIONS

29 There are no equality implications arising directly from the recommendations in this report.

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PREVIOUS COMMITTEE REPORTS

Regeneration & Planning Committee	RP/20/18	Planning Consultation by the Borough of Broxbourne on an Outline Application Involving the Redevelopment of a Site for up to 1853 Apartments, 19051 SM of Commercial Space with Associated Leisure Uses and a Two Form Entry Primary School and the Creation of a New Plaza on Windmill Lane	21/06/18
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Regeneration & Planning Committee	RP/24/18	Planning Consultation by the Borough of Broxbourne on an Outline Application Involving the Redevelopment of a Site for up to 1853 Apartments, 19,051sm of Commercial Space with Associated Leisure Uses and a Two Form Entry Primary School and the Creation of a New Plaza on Windmill Lane.	22/11/18
Regeneration & Planning Committee	RP/60/22	Planning Consultation by Broxbourne Borough Council. Redevelopment of Land at Delamare Road to Provide a Residential Led Mixed Use Development Comprising 471 Residential Units and Ancillary Residential Floorspace; up to 2436sqm of Non-Residential Floorspace Including Office (Class E(G)(I) Light Industrial (Class E(G)(III) Leisure (Classes E(D) and Sui Generis), Community (Class E(F) and Class F1)) Floorspace and Retail (Class E(A) (B) (C)) a New Local Centre, Plaza, Landscaping, Car Parking, Cycle Parking, Pedestrian Cycle and Vehicular Routes and Associated Works. Ref: 07/22/0597/F Parcels 12 & 13 Land at Delamare Road, Cheshunt, EN8 9AP.	22/09/22

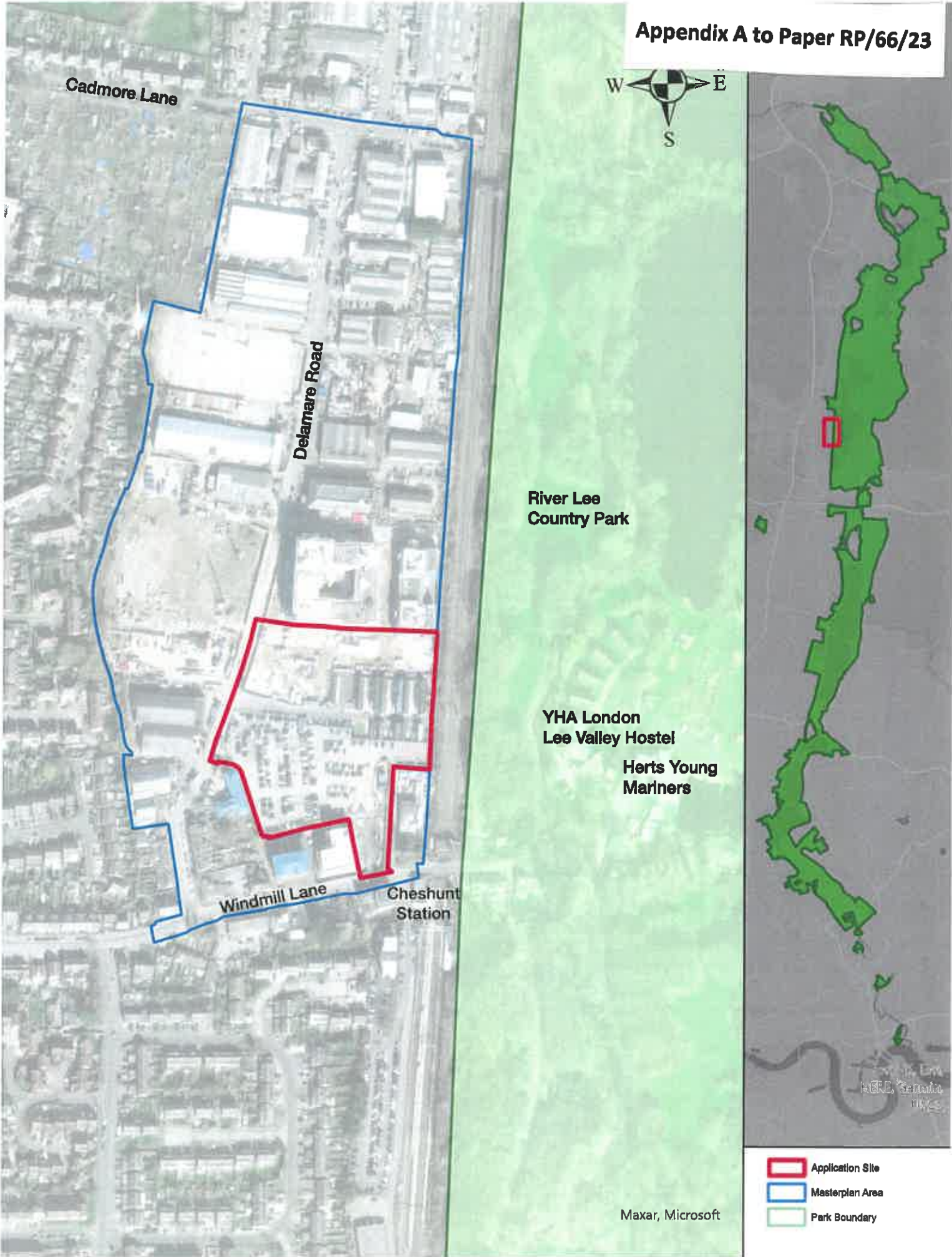
APPENDICES ATTACHED

Appendix A	Plan of the application site
Appendix B	Images of the original building heights and revised amended building heights.
Appendix C	Extract from DAS Aerial View of proposed development

LIST OF ABBREVIATIONS

CEMP	Construction Environment Management Plan
RLCP	River Lee Country Park
SSSI	Site of Special Scientific Interest
SPA	Special Protection Area
TVIA	Townscape and Visual Impact Assessment
PEA	Preliminary Ecology Appraisal
BNG	Biodiversity Net Gain
LEMP	Landscape and Ecology Management Plan

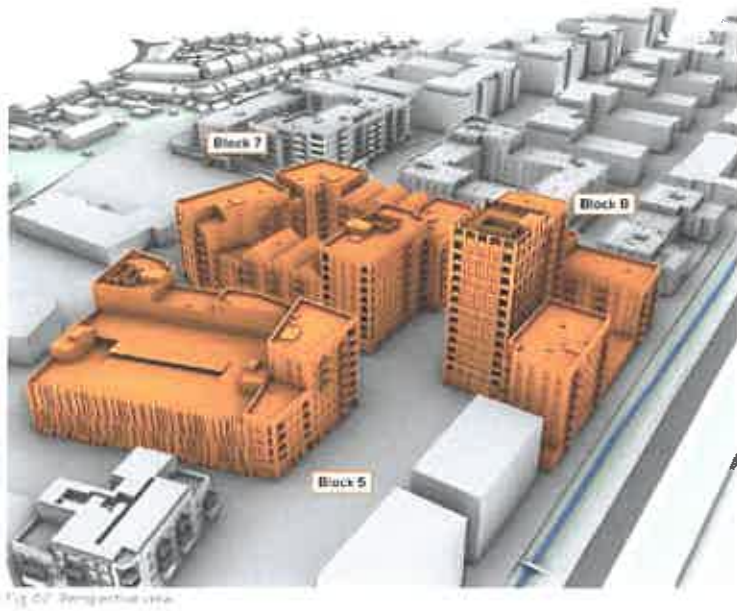
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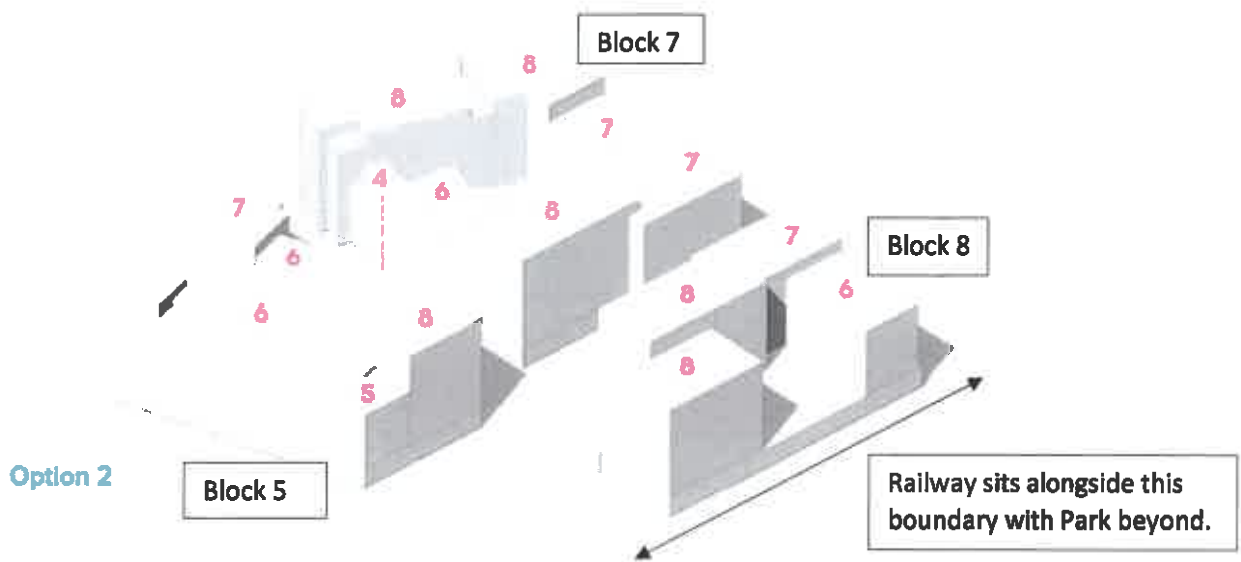
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Appendix B - Building Heights comparison, extracts from Design & Access Statements

Original Perspective View of building heights below showing 14 storey building in Block B



Amended Scheme Oct 2022 (option 2) showing reductions in building heights



Extract from Design and Access Statement Oct 2022 showing elements where height has been reduced.



KEY

- x Storey height
- 5 commercial storeys = 7 residential storeys
- Elements that have been changed

AERIAL VIEW OF REVISED CHESHUNT LAKESIDE PROPOSALS



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