

**MINUTES**  
of the  
**PLANNING COMMITTEE**  
held on 4 February 2025 at 7pm

Present:

Councillor J. Sosin (Chair)  
Councillor S. Dobson (Vice Chair)

Councillors J. Frasca, S. Hall, R. Hyland, J. Lardge, R. Lee, A. Thorpe-Apps, C. Tron, N. Walsh and P. Wilson

### 1. Chair's Announcements

For the benefit of the public, the Chair explained the arrangements for the meeting.

### 2. Apologies for Absence

Apologies for absence were received from Cllrs Armstrong and Sampson. Cllr Walsh substituted for Cllr Sampson.

### 3. Declarations of Interest

All Members were reminded that they must disclose any interests they knew they had in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they became aware of the interest. If the interest was a Disclosable Pecuniary Interest they were also obliged to notify the Monitoring Officer within 28 days of the meeting. Any declarations are recorded in the relevant minute below.

### 4. Minutes

The minutes of the meeting on 21 January 2025 were confirmed as a correct record and signed by the Chair.

### 5. Public Question Time

Public Questions and Statements had been submitted in advance for Items 7 and 10, they are summarised under the relevant item. [The questions and statements submitted in advance can be viewed via this link.](#)

## 6. 23/01105/FUL- Land West of the Fox and Raven, Chelmer Village Way, Chelmer Village, Chelmsford, Essex

Declarations of Interest – Cllr Hall declared an interest in this item as the local ward member and left the Committee for this item, as they had done at the previous meeting.

Cllrs Lee and Walsh who were not at the previous meeting, did not take part in this item. Cllr Thorpe-Apps also did not take part in this item.

The Committee were asked to consider the detailed reasons for refusal that had been suggested by officers following the deferral of the item at the previous meeting. The Committee noted that the first four refusal reasons, covered their initial concerns on the Harm to the green Wedge, Harm to Listed Buildings and the Conservation Area, Loss of protected trees and that the Development did not meet policy standards. The Committee also noted a further refusal reason, proposed by officers regarding the absence of a signed Section 106 agreement.

Committee members noted that they were content with the reasons and the wording, as set out by officers.

**RESOLVED** that the application be refused for the reasons detailed in the report.

(7.05pm to 7.07pm)

## 7. 24/01373/FUL – Land South West of Brooklands, Sheepcotes Lane, Little Waltham, Chelmsford, Essex

Cllrs Hall, Lee, and Walsh returned to the Committee at this point. Cllr Thorpe-Apps also joined the meeting at 7.10pm.

The Committee were asked to consider an application for the demolition of a domestic storage building and replacement with a single residential dwelling including a bin store. The Committee heard that the application had been called in by a Ward Councillor to consider whether it was appropriate development in the Green Wedge. The Committee were informed that the proposal would not satisfy various policies, due to it not having the same use proposed as the existing building, not filling an infill gap and would harm the character and beauty of the Green Wedge and Rural Area. The Committee were also informed that it would be of a greater scale, size, mass and spread than the existing building with a greater visual impact and a higher impact of consequential activities from the site. The Committee also heard that the proposal was of a high quality of form and detailing and could meet the required provisions for living accommodation and neighbour relationships, but those considerations did not overcome the overall policy conflict in the planning balance, therefore officers had recommended the application for refusal.

The Committee heard from members of the public who were in support of the scheme. In summary, they highlighted that the proposal would improve the surrounding landscape policies supported redevelopment of brownfield land in the Green Wedge and that it would not have a negative impact on the Green Wedge. The Committee also heard that it would provide a sustainable and low impact family home, the proposal was of high quality and would not have any material or visual impact on the rural character of the area, providing much needed housing. The Committee were also informed, that the site was already

domestic in nature, the benefits outweighed any perceived increase in activity, it demonstrated sustainable growth and the site was not suitable for other applications.

The Committee had also received questions, which spoke against the proposal, highlighting risks to the natural ecosystem, a lack of information on sewage safety, an urban feeling that would occur if approved, a lack of affordable housing being provided, previously rejected applications on the site and that it had not been supported by the Parish Council.

The Committee also heard from the ward Councillor, who had called the application in. They stated that the proposal would look the same from the road as the current Nissen Hut, the applicants had carried out work to address concerns on water treatment and sewage, and that conditions had been proposed regarding other environmental concerns that the applicant could meet. The Committee also heard that it was within the Green Wedge, but other large housing developments were being built nearby, this would just be one house and they felt that residents objections had been addressed. They also suggested that the Committee could undertake a site visit to consider concerns.

In response to the points raised, officers stated that;

- The site fell outside of the defined settlement boundary and was within the Green Wedge, therefore against policy. This had not changed between the adopted local plan and Regulation 19 pre submission document.
- A greater level of activity would occur with the proposed development.
- Each application had to be decided on it's own merits and this site went quickly from a suburban to rural context.

In response to questions from the Committee, officers confirmed that;

- Internal light standards had been met but the proposal remained in a large gap between existing buildings and therefore could not be considered as an infill plot.
- The proposal would lead to a site occupied regularly, in turn generating its own vehicular movements.
- Officers had considered the application upon it's own merits, so had not been able to give significant weight to other possible uses that may have been preferable.

Members of the Committee agreed that the site was within the Green Wedge and of the importance to protect it, they also noted that it was outside of the defined settlement boundary of Little Waltham.

**RESOLVED** that the application be refused for the reasons detailed in the report.

(7.08pm to 7.45pm)

#### 8. [24/01723/FUL – Dovedale Sports Centre, Vicarage Road, Chelmsford, CM2 9BP](#)

The Committee were asked to consider a proposal for two single storey extensions, to form a new reception area, internal alterations, along with the installation of three Air Source Heat Pumps at Dovedale Sports Centre. The Committee were informed that due to the Council's joint use agreement with the college to enable community use, it therefore

had an interest in the site, hence why the application had been presented to the Planning Committee in accordance with the Council's Constitution for a decision, due to a public objection that had been received. The Committee were informed that the development would modernise the facility for College students and the local community and that the extensions were minor in size and form, located between two existing buildings and would not relate in any harm to the character of the area.

The Committee also noted the location of the heat pumps near to rear boundaries on Rothesay Avenue, and that conditions would restrict the noise levels of the heat pumps, leading to the impact on the living conditions of neighbouring properties being considered as acceptable. The Committee noted that the application had been recommended for approval.

In response to a question from the Committee, officers confirmed that members did not need to declare an interest in the application due to the Council's interest in it and that was why the application had come before them, rather than being considered under delegation to officers. Members of the Committee also acknowledged the important community benefit of the application.

**RESOLVED** that the application be approved subject to the conditions detailed in the report.

(7.46pm to 7.50pm)

#### 9. 21/02490/OUT – Banters Field, Main Road, Great Leighs, Chelmsford, Essex

The Committee were asked to consider an outline planning permission application for the development of an integrated retirement community comprising of up to 190 units (C2 use) with all matters reserved for access. The Committee heard that the site proposed the development of part of Strategic Growth Site Policy 7b, known locally as Banters Field and in addition to the retirement units, a financial contribution towards affordable housing. The Committee were also informed that the application extended across Moulsham Hall Lane due to underground drainage works. The Committee also noted other elements of the application, including tree planting, walking and cycle improvements, NHS contributions as referred to on the green sheet of amendments and Highway works.

The Committee heard that the Highway Authority did not have concerns with the application, it demonstrated conformity with the Local Plan and the previously approved masterplan, would deliver key infrastructure along with an affordable housing contribution and had therefore been recommended for approval subject to the conditions and the completion of the Section 106 agreement.

In response to questions from the Committee, officers stated that;

- The shortfall of 60 units in comparison to the masterplan and the outline planning application, could be delivered within the rest of the site parcel, the allocation had not changed and it was for the developer to decide how they sectioned up the area of land. Officers still expected the total of 250 units to be delivered in the future.

- The viability assessment found that no affordable housing could be delivered on the site, so officers instead entered negotiations along with their consultants to agree with the developers a level of surplus money, that could be afforded instead as affordable housing contributions. This meant that the Council could use the contribution towards affordable housing schemes elsewhere. It was also noted that the finer details of the Section 106 agreement were still to be completed.
- A mixture of property sizes had been included by the developer and some of the larger properties may be aimed at those downsizing from even larger properties and that officers felt the mix of property sizes and bedroom's was acceptable. They also confirmed the C2 Class use on the application which meant the planning permission would require the specialist retirement properties, whereas a C3 application would have instead been a policy conflict. A condition had been included to ensure occupants were over 55, but members could ask for this to be in the legal agreement instead, however officers felt the condition was sufficient.
- Officers would prefer the affordable housing contribution to be paid as soon as possible and that would form part of the S106 negotiations.

The Committee agreed that the outline application met policy requirements and complied with the previously agreed Masterplan.

**RESOLVED** that the application be approved subject to the completion of a S106 Agreement and compliance with the conditions detailed in the report, the details/minor variations of which were delegated to the Director of Sustainable Communities/Planning Development Services Manager in liaison with the Chair and Vice Chair of the Planning Committee.

(7.51pm to 8.23pm)

#### 10.88/01205/S73 – Daniel Kirby House Care Home, Moulsham Street, Chelmsford, CM2 9AQ

The Committee were asked to consider an application to remove a condition and vary two others to approved planning application 88/02105 which in summary would lead to the current age restrictions on the C2 use of the property being removed, so that the premises could be occupied by younger residents in need of care. The Committee heard the property was a much extended 1930's home which gained lawful use as a C2 care home in 1989, but with restrictions to females and males being above 60 and 65 years respectively.

The Committee heard that local residents had objected to the application, based on concerns that the change would lead to inappropriate occupants with more challenging behaviours adversely causing noise disturbances and changes to the living conditions of those nearby and threats to safety. The application had been called in by the Ward Councillor to consider if the development was appropriate in the location and whether if granted the use would be effectively controlled.

The Committee heard that officers had fully considered the concerns, but that the premises would be subject to oversight from other bodies such as the Care Quality Commission, rather than the Council, Essex County Council's Adult Social Care team had supported the scheme and had approved it through their onboarding processes. The Committee heard therefore that officers had recommended the application be approved, as it was

within a well connected urban location, with no unacceptable level of harm being caused to the locality or neighbouring properties and had sufficient parking spaces.

The Committee heard from members of the public in support of the application, who in summary stated that, the use class would not change, there would be no material change to the operations of the site, concerns on public nuisance and noise were matters for other public safety legislative and regulatory processes, the owners were regulated by the Care Quality Commission and that the proposal would meet the high demand for the accommodation type in the area. The Committee also heard that the owners operated similar services nearby without issue and the need for the service was urgent. The Committee also heard from a family member of someone who may use the care home if approved and they spoke of the importance of facilities being well located and suitable for all ages.

The Committee also heard from members of the public speaking against the application, who raised concerns about the revised age limits leading to disturbances, a lack of parking, what need was there for the condition to change if it had been appropriate back in 1989, neighbour amenity, a lack of evidence as the facility had not yet opened, loud and threatening behaviour from future residents, staffing numbers and safety fears.

The Committee also heard from the Ward Councillor who had called in the application. They stated that the application had first appeared straight forward, but upon further investigation had not been as simple. They raised concerns about the initial planning permission and what was different now that permitted conditions to be removed, especially when the residential area had increased since 1989. They also highlighted that the conditions had presumably been put in place for a reason and that the area had become busier since 1989. They referred to the elderly persons care home being a valued community asset, which would be lost and that an unfettered C2 planning permission would effectively be granted if approved. They also highlighted the need for a conditioned management plan if approved.

In response to the points raised, officers stated that;

- The application needed to be considered on its own merits and officers had taken into account the more intensely developed surroundings since 1989.
- The loss of the existing elderly persons care home had been accepted, but there was a pressing need for C2 care home facilities for younger members of the community.
- The premises would be managed and any arising incidents would be dealt with by other bodies such as the CQC or Essex County Council.
- They were not in favour of conditions involving the Council with any management plan as it did not meet the necessity test.

In response to questions from the Committee, officers stated that, the property had been vacant for a while prior to the relatively recent refurbishment and that staffing levels were a matter for the CQC and the home itself and were not planning considerations.

Members of the Committee acknowledged the high demand and need for the type of care that would be provided and noted that other legislation was in place to prevent neighbours from noise disturbances. Members of the Committee also noted that some of the objections raised were not material planning considerations.

**RESOLVED** that the application be approved subject to the conditions detailed in the report.

(8.24pm to 9.09pm)

## 11. Planning Appeals

**RESOLVED** that the information submitted to the meeting on appeal decisions between 9<sup>th</sup> January 2025 and 21<sup>st</sup> January 2025 be noted.

The meeting closed at 9.09pm.

Chair