

MINUTES
of the
PLANNING COMMITTEE
held on 21 January 2025 at 7pm

Present:

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

Councillors J. Armstrong, H. Clark, J. Frasca, S. Hall, R. Hyland, J. Lardge, E. Sampson,
A. Thorpe-Apps, C. Tron 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 Lee and Pappa. Cllr Clark substituted for Cllr Lee.

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 3 December 2024 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 8,9 and 10, they are summarised under the relevant item. [The questions and statements submitted in advance can be viewed via this link.](#)

6&7. 20/02064/OUT – Strategic Growth Site North of Woodhouse Lane, Broomfield, Chelmsford, Essex & 21/00881/FUL – Broomfield Hospital, Hospital Approach, Broomfield, Chelmsford, Essex, CM1 7ET

Declarations of Interest – Cllr Sosin declared a Non registrable interest for Items 6 and 7 and left the meeting for those items. Cllr Dobson took the Chair for Items 6 and 7.

The Committee considered Items 6 and 7 together, with one officer presentation due to the related nature of the items. The Committee also discussed both items together, before voting on separate resolutions for Items 6 and 7. Item 6 was for an outline application for residential development for up to 512 dwellings including affordable housing and custom build homes (Use Class C3), Local Centre (Use Classes E, F,1 and F,2), formal and informal open space, and associated infrastructure with all matters reserved except for primary access. Item 7, was for the Formation of a highway connection north of Woodhouse Lane, closure of sections of Woodhouse Lane, provision of turning heads north of Woodhouse Lane and connection to existing highway drainage.

The Committee were reminded of the resolutions of the Planning Committee made in June 2023, to approve the two applications, subject to the completion of the Section 106 agreement and conditions. The Committee were informed that since then, the S106 had been drafted and the finer details of clauses negotiated, as detailed in Appendix 1. The Committee heard that minor amendments to the suggested conditions and heads of terms for the S106 agreement had become necessary. It was noted that these included, flexibility on the First Homes S106 provisions, the removal of conditions 28 & 29 (Residential Travel packs and Smarter Choices Campaign), removal of Biodiversity Net Gain S106 provisions and Essex Coast RAMS tariff. The Committee heard that, the amendments were minor and policy compliant and that given their minor nature, it continued to be officer's view that the proposal was acceptable, subject to the conditions and the completion of the S106 agreement.

The Committee heard from a local ward member who expressed their disappointment at the NHS trust not signing up to access at the end of the link road, which would have been a preferred traffic solution and that the changes and closures on Woodhouse Lane were still required. The local ward member also asked about a cycle route between Essex Regiment Way and Broomfield Road and whether it was still being pursued.

In response to the points raised, officers confirmed that, there remained an aspiration in the S106 discussions for an active travel route across the valley and an obligation to secure a financial contribution towards this.

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

- The Link road had been the element of the previous proposal that would have had a big impact on biodiversity, therefore leading to a higher biodiversity net gain requirement, but as it had now been removed, the required biodiversity net gain could easily be delivered on the residential development site through landscaping requirements.
- The 'Smarter Choices' travel campaign would be part of the S106 agreement and these agreements, were legally enforceable via an injunction if it were considered necessary, which was a stronger power than a breach of condition notice.
- Phasing of the development and the enforcement of conditions, would be looked at and dealt with the same as any other compliance matters.
- Bus layby's on Broomfield Road were not part of the proposal and were not needed to make it acceptable.

RESOLVED that;

1. 20/02604/OUT 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 would be delegated to the Director of Sustainable Communities/Planning Development Services Manager in liaison with the Chair and Vice Chair of the Planning Committee.
2. 21/00881/FUL 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 would be delegated to the Director of Sustainable Communities/Planning Development Services Manager in liaison with the Chair and Vice Chair of the Planning Committee.

(7.04pm to 7.21pm)

8. 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 to speak as the local ward member.

Cllr Sosin took the Chair at this point for the remainder of the meeting.

The Committee were asked to consider a proposal for a residential development, comprising the construction of 55 affordable homes, provision of open space, landscaping, sustainable drainage, ground re-profiling, formation of bund, cycle and footpath links, vehicular access from Chelmer Village Way and highway changes to Chelmer Village Way. The Committee were informed that the application had been called in, by a local ward member, because the proposal represented a departure from the development plan. [The Committee were directed to the green sheet of amendments, which included amendments to conditions and accommodation mix, which can be viewed here.](#)

The Committee were informed that the proposal was located within the Rural Area and Green Wedge and when read together with local policies, the proposal did not comply with the Council's strategic approach to development and was unacceptable in principle. The Committee were also informed that, there would be some harm to the intrinsic character and beauty of the countryside and Green Wedge, along with a sizeable amount of tree and landscape removal. The Committee also noted that the site fell within the Chelmer and Blackwater Navigation Conservation Area and within the setting of five grade II listed buildings and was within Flood Zones 1,2 and 3.

The Committee were also informed of the benefits of the proposal, including much needed affordable homes, specifically some affordable rent units boosting housing supply, the transfer of land into public ownership for recreational, leisure and environmental opportunities and the fact that the site was in a well connected and sustainable location. The Committee also heard that a comprehensive landscaping scheme was proposed, in addition to three trees planted per dwelling and a landscaped bund to address flooding concerns, which had led to no objections from the Environment Agency, the lead Local Flood Authority or Anglian Water. The Committee also noted that there were no concerns from the Highways Authority, a new signalised crossing would benefit the wider community and new development and general enhancements to local open space.

The Committee were informed that taking into account, the benefits and harm of the proposal, against relevant national and local plan policies, it was considered that the public benefits of

the scheme, greatly outweighed the harm caused and that in this site-specific circumstance, the material considerations of the proposal justified a departure from the development plan and a recommendation for approval.

The Committee heard from members of the public both in support of and against the application. In summary, the member of the public speaking in support of the application highlighted the four years of collaborative work with the Council, the 55 affordable homes that would assist with meeting the greatest identified affordable need of 3 and 4 bed family homes, a new pedestrianised crossing amongst other travel improvements, new trees, the transfer of land into public ownership assisting with the Country Park ambition and over £240,000 of S106 contributions.

In summary, those speaking against the application highlighted concerns regarding the setting of a precedent for similar applications if approved, the affordable housing crisis being a national issue which could not be resolved by planning applications such as the one being considered, the gift of land not being necessary or related to the development and the size of the sequential test area that officers had used. The Committee also heard that there were listed buildings and a conservation area to be considered, the protection of the green wedge, significant concerns regarding flood risk due to historical flooding in the area, inaccurate flood analysis and the justification of the new crossing on Chelmer Village Way.

The Committee also heard from a representative of the local Village Council, who echoed the concerns raised by members of the public. They highlighted that the site was not within the adopted Local Plan and instead was on a floodplain within the green wedge. They also stated that the proposal would devalue the quality of the designated conservation area, highlighted no logical link between the application and a new country park, referred to traffic congestion concerns and a previously refused application for the site.

The Committee also heard from local ward members, who spoke against the application. They also echoed the concerns already raised by others at the meeting and confirmed that as nearby residents, they had witnessed the extensive flooding in the area that often occurred. They acknowledged the severe need for affordable housing within Chelmsford and accepted that this was an important consideration for the Committee. They also referred to the Climate Crisis that needed to be considered when looking at planning applications and referred to the five year housing supply that was set out for the Council already, therefore supplying some of the much needed homes. The Committee also heard concerns about an updated flood risk assessment and the implications of it along with an updated national coastal erosion risk map, which were due later in 2025. They highlighted that the updated documents may have an effect on planning applications and increased insurance premiums. The Committee also heard that the Local Plan specifically sought to reduce risks from flooding, by discouraging inappropriate developments in areas that flooded. They encouraged members of the Committee to attend a site visit, so they could visualise some of the concerns that had been raised.

The Committee also heard from another Councillor, who supported the significant housing benefits from the proposal. They highlighted the specific housing crisis in Chelmsford with 506 homeless households in temporary accommodation, that this application would help to tackle. They referred to the fact that many of them were housed outside of Chelmsford, due to a lack of capacity within Chelmsford and highlighted the long time periods that families were having to stay in temporary accommodation due to the housing crisis. They also referred to the importance of the green wedge, but also the suitability of the specific site being considered, along with the extensive mitigation measures that the application would have to put in place if approved.

In response to the points raised, officers stated that;

- Open space had been identified within the concept planning for Chelmer Village, but no record of a legal obligation passing it into public ownership had been found.
- The affordable rent units could only be occupied by those on the Council's housing register and that would be enshrined within the S106 agreement.
- The overall supply of affordable housing had not been keeping up with demand, with a specific need for larger family homes.
- The transfer of nearby land into public ownership, would secure it via perpetuity as public land and the Council felt the gift met the statutory tests and would be a public benefit.
- The sequential tests area that had been used for the application had been in accordance with requirements.
- Historic England had raised concerns, rather than objecting to the application and had asked the Council to give weight to their concerns and to see if they could be outweighed.
- Flood mitigation measures would address the high risk zones, there were no concerns from statutory authorities regarding flooding and there were no suggestions that the data used had been incorrect.
- It was not uncommon for set timeframes to be extended when considering applications, to see if objections could be overcome.
- The Highways Authority had concluded that the crossing was necessary and that was why the application had been reconsulted on at the end of 2024.
- A robust assessment had been carried out by the Highways Authority, detailing no severe impact within the vicinity of the site.
- Harm to the landscape was accepted as a result of the proposal, but it was reasonable to consider the wider locality, which included more urban areas on the Northern side.
- Approving this application, would not lead to the rest of the Green Wedge being developed on as a result.
- If the Environment Agency had felt that upcoming flood risk assessments were pertinent, then they would have referenced it and until it was published, the implications were unknown and the application had to be considered as it stood, with the proposed mitigation measures.

In response to the points and questions raised by members of the Committee, officers stated that;

- In a City Centre location, it was not uncommon for neighbour relationships, housing density and parking allocations to be different to other locations, due to the smaller nature of sites.
- Regarding flooding concerns, decisions had to be taken using the information from statutory consultees such as the Environment Agency.
- A previous application had been refused on the site in 2004, but this had been for a different use type, including a hotel, restaurant and country park, whereas the application being considered had a different form of development, resulting in the provision of much needed affordable homes, a key difference between the two applications.
- The nearby land was in private ownership, with public rights of way through it, the transfer would ensure that the site could be managed by the Council, ensuring it all remained accessible, instead of some access potentially being taken away and that the orchard area would be maintained by the Council.

- The flood risk assessments had been updated in October 2024, so were well within a reasonable timescale to be used for the application. The bund that had been proposed would take into account a 1 in 100 years flood event and conditions would secure the bund in perpetuity.
- Flooding concerns had not been included in the weighing up of harms and benefits, because the impact had been considered acceptable, through the various mitigation measures, meaning no statutory authorities had raised flooding as a concern.

The Committee accepted the arguments put forward for the affordable housing element of the application and the severe need for it, specifically within Chelmsford. The Committee however, also echoed many of the concerns raised during the meeting by members of the public and local Councillors, highlighting the high number of concerns including, the impact on the green wedge, the precedent that would be set if approved, impacts to the conservation area and trees and the proposal not meeting agreed design standards. The Committee felt that the affordable housing provision, did not outweigh the many negative elements that had been raised. A proposal was made by a Member of the Committee and seconded, to defer the application to the next meeting, as the Committee were minded to refuse it for the reasons detailed below. The proposal was voted on and carried by the Committee.

RESOLVED that the item be deferred to the next meeting, as the Committee were minded to refuse the application and that officers would report back with detailed reasons for refusal at the next meeting based on the below reasons;

- Unacceptable development in the Green Wedge, conflicting with Policy DM7 in the Adopted Local Plan.
- Harm to listed buildings and the conservation area, conflicting with Policy DM13 in the Adopted Local Plan.
- Removal of a large number of protected trees, conflicting with Policy DM17 in the Adopted Local Plan.
- The Development itself not meeting policy standards, conflicting with Policy DM24 and DM26 in the Adopted Local Plan.

(7.22pm to 9.13pm)

9. [24/01468/FUL – Pippins Place, Helmons Lane, West Hanningfield, Chelmsford, Essex, CM2 8UW](#)

Declarations of Interest – Cllr Dobson declared an interest in this item as the local ward member and left the Committee for this item to speak as the local ward member.

The Committee were asked to consider a proposal for the demolition of an existing dwelling and construction of two new dwellings with associated hard and soft landscaping. The Committee noted that the application had been called in by a local ward member, so that the scale of the development, its impact on neighbouring properties and parking arrangements could be considered. [The Committee were directed to the green sheet of amendments, which included a change of wording and a summary of objections, which can be viewed here.](#) The Committee heard that the site was within the Defined Settlement of West Hanningfield, with the principle of development being acceptable. The Committee was informed that the proposal would have a design, form and appearance that would remain in character with the local area, the houses would be well screened from Helmons Lane and would not adversely affect the residential amenity of neighbouring properties. The Committee also heard the dwellings would utilise the existing in and out access arrangement, which would become two separate

accesses and would be served by sufficient off-street parking. Therefore, the application had been recommended for approval by officers.

The Committee heard from members of the public who raised concerns regarding, the scale of the development, the effect it would have on the fabric of the village, flood gates being opened for similar bungalows to be replaced, not fitting with the village design guide and inaccurate drawing heights. The Committee also heard that a claimed increase in habitat was not accurate as trees had been removed before a survey, privacy issues due to the new houses being near existing bedrooms and concerns around vehicular access and the private lane and that Councillors should visit the site. The Committee also noted concerns, regarding policies DM6 and DM9 for new buildings in the Green Belt and that very special circumstances did not exist.

The Committee also heard from a representative of the Local Parish Council, who felt that the application represented overdevelopment, was not in line with the village design statement, similar properties that a precedent would be set for needed to be kept in mind and approval would have a negative affect for the village. The Committee were informed that the Parish Council were not aware of any similar proposals being approved in the past and that there was an important duty to protect villages. The Committee also heard that the application was simply for commercial benefit and would do little to assist with the Council's housing crisis.

The Committee also heard from a local ward member who had called the application in. They stated that they had concerns regarding the proposed dwellings due to their size and height being overbearing for the street scene and neighbours, the blocking of natural light and the garages not being large enough to be compliant. They also highlighted that the land levels detailed in the drawings should be checked for accuracy, and that the application would not be deliverable without further remodelling due to private access issues. The Committee were asked to consider and refuse the application on the basis that the proposed properties were overbearing and out of place in the street scene, contravening polices DM23 and DM29.

In response to the points raised, officers stated that;

- The site was not within the Green Belt.
- The access track was a private matter on land ownership and therefore not relevant for the Committee to consider.
- There was no minimum of maximum size for buildings and instead the planning application needed to be assessed, officers felt the two buildings fitted onto the site, complied with standards and were not overdevelopment in their opinion.
- The village design guide referred to was before the NPPF, so only limited weight could be given for it as a material planning consideration, although it did refer to a huge mix of types and styles of dwellings, no standard building style and the application was therefore not out of sense with the village design statement.
- Condition 4 covered height levels, that would have to be agreed before works could start.
- The relationship between neighbouring properties had been deemed acceptable and vehicle access was again a private matter for the owner of the lane.

In response to questions and points raised by the Committee, officers stated that;

- The distances between the plots and neighbours were acceptable and similar to the existing dwelling.
- There was no set definition of over development, officers had looked at a number of aspects though, including the character of the street and nearby building heights.

Members of the Committee discussed the application and noted that the proposed conditions met concerns and that the footprint of the two buildings was similar to the existing one.

RESOLVED that the application be approved subject to the conditions detailed in the report and the amendment detailed on the green sheet.

(9.23pm to 9.51pm)

10. 24/01373/FUL – Land South West of Brooklands, Sheepcotes Lane, Little Waltham, Chelmsford, Essex

RESOLVED that the item be deferred to the next meeting.

11. Planning Appeals

RESOLVED that the information submitted to the meeting on appeal decisions between 16th November 2024 and 8th January 2025 be noted.

The meeting closed at 9.51 pm.

Chair