

MINUTES
of the
PLANNING COMMITTEE
held on 7 February 2023 at 7:00pm

Present:

Councillor J A Sosin (Chair)

Councillors L Ashley, J Lardge, R Lee, G Pooley
R J Poulter, T Roper, E Sampson, C Shaw and I Wright

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 Councillors Dobson, Hughes and Hyland.

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 10 January 2023 were confirmed as a correct record.

5. Public Question Time

Four statements had been submitted in advance of the meeting for Item 6 from members of the public and the local Town Council. These had been circulated to the Committee in advance of the meeting, three were against the application and one was in support. [The statements can be viewed via this link.](#)

6. Land North West of Hamberts Farm, Burnham Road, South Woodham Ferrers, Chelmsford - 21/01961/OUT & 21/0191/FUL

The order of business was altered by the Chair and therefore Item 7 was considered prior to Item 6.

Declarations of Interest :

Cllr Wright declared a non-registrable interest in this item and left the meeting at this point.

Cllr Pooley declared a predisposition to be in favour of applications that accelerated the provision of housing.

The Committee considered a hybrid application for Land North West of Hamberts Farm, detailing both the outline and full application. The Committee were directed to the green sheet which had been published for the meeting, in particular, that the Secretary of State had issued a holding direction to the effect that planning permission must not be granted, without specific authorisation. The Committee were informed that this meant any decision would be subject to the Secretary of State determining not to call in the application and therefore lifting their holding direction, submitted on 2nd February.

The Committee were informed that the applications detailed up to 1020 homes and were on an allocated site, part of Strategic Growth Site 10 in the Council's Local Plan. It was noted that the masterplan had also been agreed by the Cabinet in March 2021. The Committee heard that the site contained two separate areas and the one being considered was for the Countryside development, with a separate parcel of land set to be developed by Bellway. It was noted that the principle of the development had already been dealt with and that several parameter plans were detailed in the officer's report. It was noted that the application included, sport areas, a community centre and a travelling show persons site. It was also noted that the existing bridleway in the site would be retained, in addition to a new roundabout on the B1418, further pedestrian and cycle routes, upgrades to crossings and increases in pavement widths. The Committee heard that the application mitigated its own highway impacts and the proposals would create a significantly improved network of pedestrian and cycle routes along with other highway improvements to roundabouts and junctions. It was also noted that a car club scheme had been agreed as part of the Section 106 negotiations along with improved bus services, with discounted tickets for new households.

The Committee heard that applications could only be refused on highways grounds if there was an unacceptable severe impact on highway safety, which was not the case with these proposals. It was noted that this view was supported by transport assessments and traffic modelling, where the Highways authority were content with the proposals. The Committee also heard details of the green infrastructure, including 3 trees for every new household and it was noted that Public Health and Protection Services had not raised any concerns.

The Committee were informed of the various Section 106 obligations that had been agreed as part of the proposals. The majority of the highway works were to be secured by condition. The Section 106 obligations included 357 affordable homes, 1000sqm of business floor space, a local community centre, improved bus services and education facilities.

The Committee heard from the agent for the application. They informed the Committee that the principle of the development had already been well established and had been subject to scrutiny already. The Committee heard that the proposed highway mitigations had been refined and were now acceptable to the Highway authority. The Committee also heard that all other consultees along with officers were happy with the development.

The Committee heard from the local town council, two local ward members and two members of the public. They all spoke against the scheme and raised the below points and concerns:

- The impact on existing residents from congestion and road safety issues.
- Increased traffic travelling clockwise around the town to avoid the congestion and junctions created by the development.
- Capacity constraints of the A132 Lower Burnham Road.
- The length of commitment from private bus companies to the new routes.
- Car travel to the preferred Wickford rail station did not appear to have been taken into account by the applicant's traffic modelling.
- The disposal of sewage and potential impact on extra outfall and pollution into Fenn Creek and the River Crouch.
- Surface water drainage from the East of the site.
- The Town Council's submission had been required before sight of the transport assessment from Essex Highways.
- Inconsistent assumptions and results of the traffic assessment, leading to conclusions which could not be considered as safe.
- Significant errors in the Essex Highways VISSIM Model Assessment of traffic.
- A crowdfunded independent report assessment of the Transport assessment recommended the development be refused on highways safety grounds and likely severe adverse impact on the road transport network.
- The traffic assessment carried out by the applicant, did not meet the requirements of the 2021-2036 Local Plan as it had only been considered up to 2026.
- Two separate independent traffic assessments had been dismissed.
- The assessment by Jacobs had only checked the base model and not the model with junction mitigations in place.
- Existing provisions for the town would be under serious threat without significant new infrastructure for the new development.
- Would green open space be handed over to the City or Town Council.
- The site should not be progressed until Essex County Council confirmed they would exercise the proposed option to build a new school on the site.
- Existing school provision was not sufficient for an extra 1200 homes.
- The whole site should not be on the gas grid.
- Highways issues had been put off until the planning stage, but it was felt they were still not being considered seriously.
- The rail services in the area were already not sufficient and buses to Chelmsford were slower than using a private car.
- Other developments in Maldon's administrative area close to the site would also have significant impacts on South Woodham Ferrers.
- Further traffic mitigations needed to be considered and the application should be refused in its current form.

In response to the concerns raised, officers informed the Committee that;

- The extensive proposed highways mitigations were acceptable to Essex Highways.
- Annual monitoring surveys of traffic levels would be carried out, and the mitigations were set to take place at various trigger points early into the proposed development.
- New cycle routes served the residents of the proposed development sufficiently into the existing town.
- Improvements to the sewerage network would be funded by the developer.
- Highways issues had been considered for the last 24 months and were viewed as acceptable to the Highways authority.

- The transfer of land to local Councils was not a planning consideration.
- The development included reserved land for a primary school, this would be for Essex County Council to decide if they wished to exercise their option on it, not the City Council.
- At the Local Plan stage, the inspectorate had stated that a northern bypass was not required.
- Proposed developments within the Maldon district, that were in their local plan, had been taken into consideration during the traffic assessments, but not speculative applications such as the one in Althorne.
- They would look into the S106 arrangements being drawn up, specifically, the amount held in the bond for possible highway alterations and revisions to the period of land ownership that is reserved for education.

In specific response to highway concerns, the Essex Highways Officer stated that they had been involved in discussions throughout each stage and had analysed and challenged the difficult areas. The Committee heard that the models had been subject to revised assessments in October 2022 and the highways authority were now satisfied with the mitigations secured via legal obligations on the developer. The Committee also heard that in reference to the separate crowdfunded traffic assessment, it was not uncommon for two professionals to reach different conclusions. It was also noted that the Highways authority could not consider speculative applications nearby and were only concerned with whether the development in question could mitigate its own highway impacts, which in their view it could. The Committee also heard that concerns that assessments had been carried out during the covid pandemic, were incorrect as the data provided had been from February 2020, just prior to lockdown. The Committee also heard that concerns raised about the VISSIM model assessment were not shared by the Highway authority, who had them separately assessed by Jacobs. The Committee were also informed that the mitigation package had been based on traffic assessment trip rates higher than detailed in the local plan, therefore increasing the robustness of the assessment.

Members of the Committee raised concerns about the school provision on the site and whether ECC would exercise their option to build a school on the reserved site and what would happen if the option was not exercised. The County Council education officer detailed that they would first need to ascertain if there was demand for a new school and whether opening a new one would damage the existing school's prospects. It was also noted that there would be a statutory process with public consultation, that couldn't be prejudiced alongside the decision also lying with the Secretary of State, due to new schools being academies. The Committee heard it was an ongoing process and a business case would be produced if they saw an emerging need in the area. City Council officers also informed the Committee that they could reserve the land for a number of years but it would then fall back to the developer if ECC didn't exercise their option and the City Council could not dictate the use of the land. In response to concerns that the developer could build extra housing in the future, the Committee were reminded that they were considering the application before them and could not prejudge potential future applications.

In response to other points raised by the Committee, officers informed the Committee that;

- There was land in the development sufficient for 256 early years education places. It was also noted that these would be run by private entities. It was also noted that private companies would manage areas such as car clubs or bus routes but this was common practice.

- Allocated sites in neighbouring authorities local plans had been taken into account, but speculative applications had not been.
- The majority of cycleways were fully segregated between cyclists and pedestrians.
- The whole development would be off the gas grid, with electricity used instead.
- The 35% affordable housing was secured via the Section 106 agreements.
- The £400k set aside for further highways measures was a failsafe to be used for minor changes rather than wholesale ones.
- The additional buses to Wickford would be at peak times to alleviate congestion on the road network at its busiest times.
- It was not uncommon for different assumptions to be made by professionals in areas such as traffic assessments.
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A member of the Committee proposed that the application be deferred to allow further discussion to take place between the two traffic assessment providers to see if a common view could be formed. Officers informed the Committee that differences in professional opinion were to be expected and they could not make two separate professionals come to the same conclusion. It was also noted that if the matter was to return to the Committee, then officers were not sure of what different information they could provide. The Committee were also reminded of the thorough work already undertaken by Essex Highways throughout the extent of the application process.

The proposal to defer the matter to a future meeting was voted on and not carried by the Committee.

The Committee then voted on the hybrid application being accepted as detailed in the report before them and this was carried. It was noted that

RESOLVED that Subject to (i) a S106 Agreement (as indicated in the report presented to the Committee) being entered into pursuant to the Town and Country Planning Act 1990, and (ii) the Secretary of State determining not to call-in the application (and thereby lifting the Holding Direction issued by him on 02 February 2023), the Director of Sustainable Communities be authorised to grant the application subject to the conditions set out in the report to the meeting.

(7.11pm to 9.13pm)

7. Land North East of Little Fields, Danbury, Chelmsford – 22/00971/FUL

The Committee considered a retrospective application for the hard surfacing of an access track to stables. The Committee were informed that the site was a 1.1 hectare property, within the rural area and that the defined settlement of Danbury abutted the western and northern boundaries of the site. It was noted that the site contained a stable block and barn within its northern corner, surrounded by an area of hardstanding. The Committee also heard that the site was enclosed by mature native hedging, providing a high level of screening. The Committee were informed that retrospective permission had been sought for the construction of a 70m track, extending from the field access within Little Fields to the hardstanding surrounding the stable block. The Committee heard that the application had an acceptable relationship with neighbours, no highway concerns and was recommended for approval by officers.

In response to a point raised about vehicles being left overnight on the track, officers noted that the field had been accessed for many decades and it would not be possible to now argue that a parked vehicle would be harmful.

RESOLVED that planning application 22/00971/FUL in respect of Land North East of Little Fields, be approved subject to the conditions set out in the report to the meeting.

(7.02pm to 7.10pm)

The meeting closed at 9.13pm.

Chair