



Planning Committee

9th December 2025

Application No	:	Hybrid application 21/01961/OUT and 21/01961/FUL
Location	:	Land North West Of Hamberts Farm Burnham Road South Woodham Ferrers Chelmsford
Proposal	:	Hybrid application, (part full and part outline) for: 1. Outline application with all matters reserved for residential development of: up to 1020 homes, Up to 88 bedroom units of residential care accommodation (Class C2 or Class C3 use, including retirement living/sheltered housing, and/or extra care/housing-with-care/independent living and/or care home/nursing home use), up to 1,100 sq m (GEA) neighbourhood centre (Class E) including a multi-purpose community centre, up to 1,200 (GEA) of business floorspace (Class E), a 2fe primary school and two 56 place early years facilities, 5 serviced plots for travelling showpeople, landscaping, strategic and local open space and associated buildings and structures, all associated highway infrastructure, pedestrian, cycle and bridleway routes (including partial extinguishment of Bridleway 25), vehicular and cycle parking, drainage works, ground reprofiling, demolition of existing building and all associated ancillary works including services and utilities 2. Full application for the principal means of vehicular access to the site, the initial phase of on-site highway works, strategic surface water attenuation basins and demolition of former telephone exchange buildings.
Applicant	:	Countryside Properties (UK) Ltd
Agent	:	Kevin Coleman

Date Valid	:	15th July 2022
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1. Executive summary

1.1. The application site relates to land allocated in the Chelmsford Local Plan as “Strategic Growth Site 10 – Land North of South Woodham Ferrers”

1.2. On 7th February 2023 the Planning Committee resolved to grant planning permission for the hybrid application 21/01961/OUT and 21/01961/FUL subject to a S106 agreement and the lifting of a holding objection from the Secretary of State. The proposal was for up to 1020 homes, Up to 88 bedroom units of residential care accommodation, up to 1,100 sq m (GEA) neighbourhood centre (Class E) including a multi-purpose community centre, up to 1,200 (GEA) of business floorspace (Class E), a 2fe primary school and two 56 place early years facilities, 5 serviced plots for travelling showpeople and associated supporting infrastructure. The Secretary of State lifted their holding objection in April 2023.

1.3. Since the resolution to grant planning permission, the scheme has been independently assessed and deemed to be unviable due to site specific costs, significant highway infrastructure costs, and lower house values.

1.4. In order to make the scheme viable, whilst still providing a policy compliant level of affordable housing, the proposal is to amend the heads of terms of the Section 106 Agreement that were previously agreed by the Planning Committee. The amendment would remove three elements from the heads of terms (primary and early years education contributions and commuted sum for maintenance of rugby pitches), which would instead be funded by the Community Infrastructure Levy (CIL). These elements would still be provided by the development but would be funded differently. The decision to use CIL to make the scheme viable was made by Chelmsford City Council Cabinet on 11th March 2025. This is not a decision for the Planning Committee. The proposal now is only for the alteration to the heads of terms of the S106 Agreement because CIL will fund these three items - as has been agreed by Cabinet.

1.5. First Homes would also be removed from the heads of terms because this is no longer required by the government as mandatory.

1.6. The proposal also seeks to add a public art condition to the list of previously agreed conditions.

2. Description of site

2.1. The application forms a large proportion of Strategic Growth Site 10 (SGS10) of the Chelmsford Local Plan 2020.

- 2.2. The site comprises 112.2 ha of land located to the north of South Woodham Ferrers. The majority of the land is currently in agricultural use. The application also includes some sections of existing highway, mainly parts of the B1418 and the B1012.
- 2.3. The site includes two parcels of land to the east of the B1418 and then, moving from east to west, it abuts the rear gardens of properties in Willow Grove and wraps around the existing Sainsbury's supermarket and health centre site. Edwins Hall Road is to the north, with agricultural land outside of the application site sitting between the site and this lane. The site then wraps around the bottom of Bushy Hill and stretches east to the edge of Chelmsford City Council's administrative boundary. There is also a small parcel of land included to the south of Woodham Road, adjacent to the existing Garden of Remembrance.
- 2.4. The field boundaries are marked by mature hedgerows, mature trees and a stream running through it from east to west.

3. Details of the proposal

- 3.1. On 7th February 2023, the Planning Committee resolved to grant outline planning permission subject to the completion of a S106 agreement, conditions and the lifting of a holding objection from the Secretary of State.
- 3.2. The heads of terms for the S106 Agreement were agreed by the Planning Committee at the February 2023 meeting. The holding objection was lifted in April 2023.
- 3.3. The applicants, Vistry, have since demonstrated that the scheme is unviable.
- 3.4. On 11th March 2025 Chelmsford City Council Cabinet agreed to ring fence the use of £9m of CIL, or 75% of Vistry's CIL contribution, whichever is the lower, to fund some elements of the draft S106 requirements. The development will continue to provide a policy compliant (35%) level of affordable housing
- 3.5. The planning application is brought back to Planning Committee only to amend the heads of terms of the S106, all other matters are unchanged. The amendments to the heads of terms is to allow for some of the items to be funded via CIL, as agreed by Cabinet. The items to be removed from the heads of terms and funded differently are the contributions to early years, primary education and a commuted sum for the maintenance of the rugby pitches. First Homes has also been removed as this is no longer a mandatory government requirement.
- 3.6. The proposal also seeks to add a public art condition to the list of previously agreed conditions.

4. Planning considerations

Background

- 4.1. Following the resolution to grant planning permission subject to a S106 agreement and lifting of the holding objection by the Secretary of State, the applicants, Vistry, advised that there were financial viability issues with the proposal in July 2023 and provided a viability report to Chelmsford City Council (CCC). This has been independently assessed by CCC's appointed viability consultant. The viability issue is due to the extent of the S106 obligations combined with CIL, and some site specific costs, for example, gross to net land usage of 50%, significant highway infrastructure costs, and lower house values.
- 4.2. When an application is agreed by the City Council to be unviable, the usual approach by developers is to lower the provision of affordable housing as this tends to be the only element that can be reduced as other items are essentially required to make the development acceptable in planning terms. Given the significant need for affordable housing provision in Chelmsford, a reduction to the level of affordable housing would be against corporate objectives. Vistry also wanted to retain the 35% affordable housing provision. It is estimated that without funding some of the infrastructure through CIL contributions the affordable housing contribution would be reduced to 19% of the total number of units.
- 4.3. On 11th March 2025 Chelmsford City Council Cabinet considered the options available to ensure that the site is developed, whilst still retaining the 35% policy compliant level of affordable housing, as this is a priority objective. It was agreed by Cabinet that £9m of strategic CIL may be used to fund elements of the draft S106, thereby enabling a policy compliant development with 35% affordable housing to be delivered. This would increase affordable home provision from 19% to 35% (194 units to 357 units).
- 4.4. The South Woodham Ferrers Town Council neighbourhood allocation of CIL of £4.6m is unaffected.

Proposal

- 4.5. The decision to use some of the CIL receipts to fund elements of the S106 obligations has already been taken by Cabinet. CIL governance is not within the remit of the Planning Committee. The reason why this application is brought back before the Committee is to agree that the heads of terms for the legal agreement may be altered. First Homes would be removed from the agreement because this is no longer a mandatory government requirement. The amendment would also result in the following items being covered by the applicant's CIL contribution rather than s106:

- Early years education
- Primary education
- Commuted sum for maintenance of the rugby pitches

4.6. The City Council is the Community Infrastructure Levy ("CIL") charging authority. Essex County Council is the local education authority responsible for the provision and delivery of education infrastructure.

4.7. A CIL funding agreement has been produced to ensure that a defined proportion of CIL receipts is ring-fenced and made available to Essex County Council for the purpose of delivering the necessary education infrastructure to serve the Strategic Growth Site 10 development. This establishes a binding framework for the allocation, transfer, and use of the CIL Funds. The funding agreement has been signed by both the City Council and Essex County Council.

4.8. The delivery of the land required for the primary school is unaffected by this alteration to the heads of terms. The S106 agreement still requires the developer to provide 2.1ha of land, which is the recommended size for a two form-entry primary school with a 56-place early years and childcare nursery.

Public Art

4.9. The proposal also seeks to add the following condition to the list of previously agreed conditions:

"Within six months of the commencement of the development, a public art statement shall be submitted to and approved in writing by the local planning authority. The statement shall include the following:

- a) Details of the artist (including an explanation of why they have been selected for this scheme),
- b) Details of the proposed public art (including an explanation of the chosen theme and medium) and its intended siting,
- c) Details for the installation including timing,
- d) Future maintenance regime.

The approved public art scheme shall be implemented in accordance with the approved statement.

Reason:

To ensure that Public Art is provided in accordance with Policy DM24 Chelmsford Local Plan."

4.10. The condition should have been included on the original Planning Committee report and its omission was simply an oversight, which is being rectified here.

Conclusion

- 4.11. The proposal is to amend the heads of terms of the S106 agreement, which were heard at the Planning Committee on 7th February 2023. The alteration to the heads of terms does not alter the level or details of the infrastructure to be provided to support the development. This would remain as previously agreed. The alteration is due to an amendment to the way in which the infrastructure is to be funded, which will now be partly funded by CIL receipts. This has already been agreed by the Chelmsford City Council Cabinet. The removal of First Homes is due to the government no longer requiring them as mandatory.

RECOMMENDATION

The Planning Committee resolve to amend the head of terms of the legal agreement for Planning Application 21/01961/OUT and 21/01961/FUL as set out within the above report for the following:

- Contributions for the construction of the school based on the child yield of the development in accordance with “ECC developers guide to infrastructure contributions”
- Contributions for the construction of the early years based on the child yield of the development in accordance with “ECC developers guide to infrastructure contributions”
- Commuted maintenance sum for four adult sized rugby pitches (SPD Planning Obligations – Table 10 - £1,013.84 per dwelling)
- Removal of the requirement for First Homes

The Planning Committee resolve to add a condition requiring Public Art provision.