

MINUTES
of the
PLANNING COMMITTEE
held on 4 July 2023 at 7:00pm

Present:

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

Councillors J. Armstrong, S. Hall, R. Hyland, J. Lardge, R. Lee, A. Thompson, C. Tron, P. Wilson and N. Walsh

Also Present:

Councillors A. Davidson, J. Hawkins and M. Steel

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 Councillor Sampson, Councillor Walsh substituted for them.

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 20 June 2023 were confirmed as a correct record and signed by the Chair.

5. Public Question Time

Public questions and statements were asked on Items 6 & 7 and are detailed under the relevant items. [The statements submitted in advance can be viewed via this link.](#)

6. 23/00525/FUL – Land Between Peartree Cottage and Daffodil Cottage, North East of Ponside Nursery, Braintree Road, Little Waltham, Chelmsford

The Committee considered an application for the demolition of existing storage buildings and construction of a replacement 3-bedroom chalet bungalow and single cart lodge, to include a new access from the A131 via an existing gateway. It was noted that the application had been referred by a local ward Councillor as the planned Chelmsford North East Bypass should be a material consideration, in highway safety considerations and the impact of the development on the rural area. Officers informed the Committee that the proposals would contribute to the site having a significantly more developed and urbanised appearance than the current situation. It was noted that this would have a harmful visual impact on the simple rustic rural character of the area, in turn harming the intrinsic character and beauty of the countryside. The Committee also heard the site was not in a growth area, therefore conflicting with the Spatial Strategy in the Chelmsford Local Plan. The Committee also heard that occupiers would be reliant on private vehicle movements for day to day needs and therefore the scheme did not represent or constitute sustainable development. The Committee was also informed that the new access would result in an unacceptable degree of hazard for both emerging and approaching vehicles and other highway users. For those reasons, the Committee noted that the application was recommended for refusal.

The Committee heard from the applicants, who raised the following points;

- The large amount of unrestricted outside storage relating to a landscape contractors yard had not been taken into account when comparing the size, scale, spread and visual impact of the proposed dwelling.
- There were local, regular buses nearby.
- The NPPF stated that development should only be prevented if the highways impact would be severe.
- A recently built new access for mineral extraction, allowed 100 more HGV movements daily nearby and this caused vehicles to brake, with no safety measures to mitigate the impact.
- A residential use for cars would be less impactful than one for HGV's.
- The impact of the proposed Chelmsford North Easy Bypass had not been taken into account, and this would have a positive impact on the local road network.
- The nearby Daffodil Cottage which had been developed had not been described as dominating but the new proposal had been.

The Committee also heard from a local ward member, who had called in the application, they raised the following points;

- This was for one property, sitting in a row of four, with close access to Chatham Green, bus stops and a good road network, expanding with the addition of the NE Bypass.
- The development would act as an infill, with three similar houses nearby, the local area would also undergo a considerable amount of change with the planned bypass and access roundabout close to the site.
- The site already benefited from a commercial business use which could intensify, therefore DM8 should consider the impact of the spread of the unrestricted current outside storage on the site.
- The proposal would be smaller than the adjacent cottage.
- Chatham Green nearby, included a pub, shops and a business centre, with nearby bus stops, as there had been very little residential development in the area, it meant many residents had to move elsewhere as there were limited housing opportunities in the area..

- The new bypass would move traffic from the road adjacent to the site and it should be a material consideration as planning permission had been granted.
- Signage for no right turns into the site would be one possible solution to alleviate highway concerns.
- The impact would be small, from a residential dwelling with approximately two to six vehicle movements per day.
- The bus stops and new road, incorporating cycle lanes and footpaths should have been a material consideration.
- A site visit would be beneficial for the Committee, to judge first hand the suitability and highway concerns.

In response to the points raised, by the applicants and local ward Councillor, City Council and Essex Highways officers informed the Committee that;

- The application was for a significantly larger building than the existing sheds, and nearby properties would then be encouraged to also do the same.
- Only part of the site was previously developed land.
- Officers had visited the site and assessed the level of activity and storage.
- Strategic routes such as the A131 were protected and it formed an important function in the route hierarchy.
- The NE bypass had been considered as it had been granted planning permission and it would likely result in the A131 being reclassified, however it would continue to remain an important high speed route.
- The majority of other accesses on the A131 had dedicated right hand turn lanes, leading to a safer way to turn on and off the road.

In response to questions and comments from the Committee, officers noted that;

- There was vehicular access at the rear of the site currently through the applicant's ownership.
- Other properties already had existing access from the A131, despite this only being for one property it was still felt that this would be adding a brand new, potentially dangerous access onto the road.
- The point of damaging the intrinsic beauty, was a subjective one for the Committee to decide upon, officers could only provide their expert view, which was that this application would do so.
- Despite just being for one dwelling, officers had to consider all planning matters and bring them to the Committee's attention, this site was not in the local plan as a housing area and had constraints such as needing the use of a private car for many everyday journeys.
- The proposed access would be 120m before the existing roundabout.
- The NE bypass had planning permission, but officers highlighted similar schemes could often take many years before actually taking place, it was a material consideration but should only be given limited weight, as it was currently just the grant of permission.

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

(7.03pm to 7.43pm)

7. 23/00116/FUL – Land Rear of 17 to 37 Beachs Drive, Chelmsford

The Committee considered an application for the demolition of existing buildings and structures and construction of 18 new dwellings with associated parking, private amenity space, open space, hard and soft landscaping and pedestrian link. It was noted that the application had been called in by a local ward member, for matters including neighbour amenity, scale, design and appearance, safety and security, parking and access. The Committee were informed that the site was allocated for housing within the Council's Local Plan, and was surrounded on all sides by residential developments, however the proposed site was noticeably lower than the surrounding built form with levels of difference ranging from 1 to 2.5m. It was noted that the site lied within flood zones 2 and 3a and therefore no habitable accommodation could be located on the ground floor of the properties. The Committee heard that this had therefore influenced the scale and design of the scheme, with 2-3 storey properties. Officers felt that the site's lowered ground levels, distance between properties and the design of plots meant there would be an acceptable relationship with the surrounding neighbouring properties. It was also noted that parking provision and access was suitable, five affordable housing units would be included along with local open space and the improvement of an existing Public Right of Way via S106 contributions. Therefore, officers had recommended the application for approval, subject to the completion of the S106 agreement.

The applicant addressed the Committee and detailed it was one of the clear examples of a previously developed site, within the urban area of Chelmsford, that could provide for both market and affordable homes and was allocated within the Local Plan. The Committee heard constraints had been overcome, including flood risk, which influenced the design, transport and urban design considerations. It was also noted that the change in level between site and surrounding area, meant the proposals would be lower in height than other nearby properties. The S106 contributions were also highlighted, which would lead to PROW improvements, affordable housing and a high level of energy efficiency and sustainability.

The Committee also heard from a local ward member, who had called in the application, they raised the following points from residents and other ward members;

- Traffic levels and parking arrangements had not been considered in enough detail, where nearby roads had restrictions but the two near the application site did not, this would add to existing issues.
- The impact of the development whilst being built would negatively impact on traffic and parking locally too, would a detailed construction management plan be produced and adhered to?
- The buildings appeared tall, with the three storey design.
- Nearby residents would require reassurances that their boundaries and gardens would not be impacted.
- Plots one and two seemed very close to the shared boundary, with amenity space that would not be in a very usable shape.
- Plot 13 was a lot taller than the nearby 79 Beaches Road.
- It would be preferable for the City Council to adopt the open spaces
- There was a lack of sustainable features in the development, which was disappointing as the Council had declared a climate emergency.

In response to the points raised by the local ward Councillor, officers noted that;

- Sufficient parking would be provided on the site.

- A construction management plan would be conditioned prior to the commencement of the development, existing issues with parking in the area were not for the developer to mitigate.
- The design was different to other properties nearby but was set back from the street scene due to being a backland plot development.
- Boundary treatments would be conditioned as part of the development.
- Amenity space for plots one and two, was sufficient and officers felt it was of a usable design.
- Plot 13 was higher, but it did have a 15m gap back to the South boundary.
- The internal road could not be adopted, but officers had held conversations with the developer about the Council adopting the open space.
- Some sustainability measures had been proposed by the developer.

In response to questions and comments from the Committee, officers noted that;

- The affordable plots would remain affordable, in perpetuity and were not spread out as on other sites, due to the smaller nature of the site and the appearance of the market and affordable units are not distinguishable. The number of them was also fixed by condition.
- Solar panels could not be conditioned, but an informative on their use could be added to the planning permission if approved.
- The proposals had passed the relevant flood risk tests in the local plan and mitigations had been put in place.
- The specific details of the split between affordable and social housing would be decided through the S106 negotiations.
- There had been wide ranging pre application discussions, due to the unique nature of the site that had led to the unusual design of the site.
- A condition in the decision notice would detail cycle parking requirements at the rear of the properties.
- The £6k for improving the public right of way, had been costed out by the Council's Parks and Green Spaces Manager.
- The road in the development would not be of adoptable standard, therefore a service charge for maintaining it would be required for occupiers of the dwellings – this is a private matter.
- The condition relating to landscaping and boundary treatments would be closely looked at once the site could be inspected further, and various options would be considered.
- Refuse vehicles would be able to use the road in the site and enter and leave in a forward gear.

RESOLVED that the application be approved subject to the completion of a S106 agreement, the conditions and informative detailed in the report.

Also an additional informative "To promote sustainability and energy efficiency, the developer is strongly encouraged to incorporate photovoltaic technology with the roofscape of the development. "

(7.44pm to 8.39pm)

The meeting closed at 8.39pm.

Chair