

FELSTED PARISH COUNCIL
Minutes of the Planning Committee Meeting
Tuesday 16th January 2024 at 6pm

Attending: Councillors, Richard Freeman (Chairman) Hywel Jones, Andrew Parker, Clive Perrins and Roy Ramm
In attendance Clare Schorah - Assistant Clerk

1. Apologies for Absence

There were apologies for absence from Cllr Learmonth

2. Declarations of Interest

There were no declarations of interest.

3. Public Forum

There were no members of the public present.

4. Approval of Minutes of Previous Meeting

The minutes of the 19th December meeting were formally approved. They will be signed when the Planning Committee next physically meet.

5. New Applications to be considered

[UTT/23/3220/FUL](#)

Land East Of Chelmsford Road

Proposed new cemetery and associated infrastructure.

Comment: The anticipated need, cited in the 2020 Felsted Neighbourhood Plan, for a new burial ground within Felsted has already been met. There is no current or anticipated need for further burial facilities in the parish.

When the development of the Felsted Neighbourhood Plan closely coincided with the closure of the churchyard of Holy Cross church in the centre of Felsted, the Neighbourhood Plan Steering Group concluded that it would be prudent to include a policy supporting future provision of a new cemetery should it become necessary. However, post the 'making' of the plan, an arrangement was entered into with the United Reform Church (URC) to accept non URC member, interdenominational interments at their burial ground in Chelmsford Road. This arrangement has been operating successfully since the closure of the churchyard.

The URC has confirmed that the burial ground has more than adequate capacity and that there is no restriction on the number of future burials that can be accommodated.

The URC also owns a further substantial area of land immediately adjacent to the existing burial ground and have indicated to the Parish that a future liaison arrangement can be discussed to allow the Parish to extend the burial ground into that available land should the need arise. However, full internments now only account for 20% of funerals, with a growing preference for cremations. This trend has eased pressure on all cemeteries to such a degree that the URC has indicated they have plans and capacity to set aside a specific area for the disposal of ashes. Supporting this is the recently opened Dunmow Crematorium, located on the Felsted parish boundary at Stebbing Brook.

The parish also has a further contingency in the extremely unlikely event that the URC site was no longer available. The previously anticipated need for a new burial ground no longer exists.

Therefore, whilst the Felsted Neighbourhood Plan did include Policy VA4 (Burial Ground) this Policy has since become redundant and will be edited in the current Neighbourhood Plan review.

Had the applicant consulted with the parish prior to submission of this application this information would have been forthcoming.

Questionable suitability of proposed site

No discussions have taken place with the Parish Council or the churches in advance of this application as to immediate need, conditionality of the application or the parish's own plans but had the applicant made such enquiries the parish would have been able to confirm that they do not require an additional cemetery.

The applicant's "Design and Access Statement" does not make clear whether the proposed cemetery is interdenominational, proposed as a green burial site, is intended as a commercial enterprise or whether, if created, it had been the intention to either a gift or lease the facility to the Parish. Had the intention been to gift or lease to the Parish, then prior communication with the Parish would have been advisable.

Regardless of intended future use however, we would expect any application for a cemetery to include a groundwater risk assessment as suggested by the Environmental Agency – "Guidance Protecting groundwater from human burials Updated 2nd October 2023" <https://www.gov.uk/government/publications/protecting-groundwater-from-human-burials/protecting-groundwater-from-human-burials> which state "As part of your planning application or permit application, the risk to groundwater must be assessed", nor does the applicant identify whether the application site meets compliance points as suggested by guidance in the Environmental Agency "Guidance Cemeteries and burials: groundwater risk assessments" <https://www.gov.uk/guidance/cemeteries-and-burials-groundwater-risk-assessments>. These omissions are likely to be in conflict with UDC Policy ENV12 – Protection of Water Resource.

There are also concerns over the true motivation of the applicant due to the inclusion of a completely unnecessary and long access road to the site from the Chelmsford Road when access could very easily be provided into the proposed parking area directly from Bakers Lane which, as the applicant confirms, is a Byway Open to All Traffic (BOAT). The byway is currently used regularly by cars and other vehicles serving local dwellings.

With no obvious justification for the proposed new access road other than the road proposed happening to be identical to that included on the previously refused application, (UTT/22/3513/FUL) which the applicant refers to in their "Design and Access Statement" it suggests that the main purpose of this application is to cynically gain approval for this unnecessary new road prior to the submission of an Appeal for the refused site.

Clearly, all Planning Applications must be assessed on their own merits but consideration of the "merit" of this specific application when taking account of the unnecessary inclusion of such a long access road concludes that the applicants motivation is more to do with gaining

approval for the access road, possibly to provide leverage for a future Appeal for the refused application.

Whilst acknowledging that all applications must be assessed on their own merit we would point out that it is the applicant who has chosen to cross reference and associate this application with the refusal of UTT/22/3513/FUL.

Although, should this application be approved, incorporating the cemetery into a revised layout in an appeal would represent a “fundamental change” which would restrict the ability to submit an appeal and would almost certainly require a revised planning application and revised consultation.

If the honest and sole intention of the applicant was a philanthropic gesture to provide a new burial ground for the community, then even though as stated above this is no longer required, why was this not incorporated as part of the plan in the previously refused application?

It is highly relevant that whilst the applicant is keen to refer to the (now redundant) Policy in the FNP that supported a new burial ground, they were less keen to acknowledge and entirely dismissed various Policies in the FNP with which their application conflicted when submitting the refused application (UTT/22/3513/FUL) that they now say is the subject of an Appeal.

To date, no Appeal has been submitted which adds weight to the conclusion that this is something of a “Trojan Horse” application that, should it be approved with its needlessly long access road which just happens to be identical to that in the refused application, would provide potential leverage to a future Appeal by demonstrating prior approval of the access road.

Finally, whilst the applicant refers to the FNP Policy “FEL/VA4 – Burial Ground” and despite having made no enquires of the parish council prior to submission to establish the current status when saying “no known site has been suggested” they do not clarify that the FNP period which covers from 2018 to 2033 would have allowed nine more years for the Parish to facilitate this had it still been required, which it is not.

For the various reasons stated above, Felsted Parish Council objects to this application.

UTT/23/3218/PAQ3

Agricultural Building R/o The Mole Hill Hollow Road

Prior Notification of change of use of agricultural building to 1 no. dwelling.

Felsted Parish Council was not invited to comment on this application but it was noted during the meeting.

UTT/24/0022/HHF

4 Brook Meadow Gransmore Green Lane

Section 73A Retrospective application for an amendment to UTT/24/0022/HHF previously approved single storey side extension, inclusive of rear dormer, and construction of front canopy.

No Comment.

[UTT/24/0031/FUL](#)

Blackleys Farm Milch Hill Lane

Restoration and conversion of Nissen Hut and Cart Shed to 1 no. Dwelling.

No Comment.

6. Decisions received since 19th December

[UTT/23/2751/HHF](#)

Firs End Causeway End Road

Proposed single storey rear extension and part garage conversion.

Permission Granted - 22nd December 2023

[UTT/23/2561/HHF](#)

Limeen 25A Station Road

Single storey rear extension

Permission Granted - 18th December 2023

[UTT/23/2716/HHF](#) / [UTT/23/2717/LB](#)

Brook Farm Stebbing Road

Demolition of existing rear conservatory and erection of replacement single storey orangery, conversion of existing loft above existing garage into a new office including alterations to the existing garage and a new cart-lodge.

Permission Granted - 2nd January 2024

[UTT/23/2810/PINS](#)

Land To West Of Chelmsford Road Hartford End

Consultation on S62A/2023/0028 Outline application for construction of up to 50 dwellings (Use Class C3) and associated access and bus stops with all matters reserved apart from access

Opinion Given - 11th January 2024

7. Draft Local Plans - [Uttlesford DC](#), Braintree DC

No Comment

8. Other Urgent Planning Business and Future Dates

Next Meeting is 13th February 2024

.....13th February 2024 Chairman

Residents wishing to make comments on Planning Applications or view other comments submitted can go to the Uttlesford District Council Website:

<https://publicaccess.uttlesford.gov.uk/online-applications> To find out more about Appeals please go to the Planning Inspectorate Website: <https://acp.planninginspectorate.gov.uk>