

FELSTED PARISH COUNCIL
Minutes of the Planning Committee Meeting
Tuesday 17th January 2023 at 6pm

Attending: Councillors, Richard Freeman (Chairman), Andy Bennett, Penny Learmonth, Hywel Jones and Andrew Parker. In attendance Clare Schorah - Assistant Clerk

1. Apologies for Absence

There were apologies for absence from Cllrs Alec Fox and Roy Ramm. Cllr Hywel Jones arrived during item 5.

2. Declarations of Interest

There were no declarations of interest

3. Public Forum

There was one members of the public present and the assistant clerk submitted a representation from a member of the public to the committee.

4. Approval of Minutes of Previous Meeting

The minutes of the 20th December meeting were formally approved. They will be signed when the Planning Committee next physically meet.

5. New Applications to be considered

[UTT/22/3513/FUL](#) (Cllr Hywel Jones entered the meeting at this point)

Land East Of Chelmsford Road

A mixed-use development comprising a relocated and improved village convenience store, incorporating a Post Office, together with area for farmers market, cafe, three first floor offices with dedicated parking facilities and multi use overspill area. Together with nine dwellings comprising a 1 bedroom apartment, two 2 bedroom houses, two 3 bedroom apartments, two 4 bedroom semi detached houses, one 4 bedroom detached house, and a 5 bedroom chalet style bungalow with dedicated 2m footpath routes

Comment: Felsted Parish Council Objects to this application. It is perhaps illustrative of the inherent cynicism of this application that, though it purports to deliver an improved amenity for Felsted, no attempt has been made to engage or consult with the community or the Parish Council prior to submission; the application is for nine homes, one less than the threshold of ten that automatically triggers full Planning Committee scrutiny (as opposed to a consideration by a single delegated officer), and it was submitted on Friday the 23rd December 2022, when interested and affected parties might be distracted. However, it has not escaped public attention and Felsted Parish Council strongly objects to this application.

The fully "Made" Felsted Neighbourhood Plan was a five-year community project involving extensive research, preparation, presentation, public consultation and finally endorsement through referendum. Felsted Parish Council is therefore committed to ensuring that the resultant policies and aspirations are respected and consider it unacceptable for any developer to attempt to misuse or misrepresent the Felsted Neighbourhood Plan for commercial gain.

Via its Design & Access Statement this application claims this proposed development seeks

to meet the conditions and objectives of the Felsted Neighbourhood Plan (FNP): It does no such thing.

This application in its entirety is a transparent attempt to align the proposed development with the FNP, when no such alignment exists. Many references to the FNP are selective and are, in certain cases, considered disingenuous and misleading.

In particular the Design & Access Statement makes various claims of close association with the objectives of the FNP. These statements are often misleading and ignore contradictory and unsupportive text in the FNP.

Relocation of Linsell's shop and Post Office

Before dealing in detail of the specific planning issues, we wish to refer to what we consider to be a fatal flaw in this application based on its specific reliance on the relocation of the Linsell's village shop.

We understand that Mr and Mrs Silcock have written separately to Uttlesford District Council disassociating them from this application.

Regardless of any comment by Mr and Mrs Silcock, we have the following concerns.

Though the application cites Linsell's Store as a co-applicant and seeks to leverage the strong local supportive sentiment for the proprietors of Linsell's, Mr and Mrs Silcock, no documentary evidence is provided of any contractual arrangement between Felsted Place Limited and Linsell's Store Limited. Consequently, there is absolutely no guarantee that a new convenience store and post-office in this proposed new location would be operated as Linsell's.

If an additional store were to be approved in a location without the constraints (listed building in a congested village centre) the proprietors of Linsell's face, the imbalance in competition might cause the existing Linsell's business to fail. This is a planning issue, insomuch as it impacts the character of the village centre where there are already empty commercial premises (The Boote House and now The Swan).

Additionally, without an assurance that Linsell's convenience store and Post Office would relocate to this location, there is no realistic prospect of a "second" Post Office licence being granted in such close proximity to the existing Post Office.

If this proposed development was approved, without the necessary guarantee that a new shop in this location would operate as a food/general store including a Post Office, there is little to stop the store being changed to a completely different operation or business?

The Felsted Neighbourhood Plan Assessment of the site

The main contested claim is that the application is responding to a Policy within the FNP that supports the relocation of the village shop and Post Office.

Policy FEL/HVC2 of the FNP does support the relocation of the shop "within the Felsted Neighbourhood Area to a location no less accessible to users and which will not necessitate on street parking will be supported". However, that support is not unconditional, and the

proposed site is not considered appropriate.

The Design & Access Statement submitted with the application states that the “Neighbourhood Plan was unable to identify a suitable site during its formation”. That is correct. However, misleadingly, the submission fails to reference the FNP documented evidence that the site the subject of this application was very carefully considered by the Felsted Neighbourhood Plan Steering Group (FNPSG) and was rejected as being unsuitable.

See, item 3.7 (site 14Fel15 - Land East of Chelmsford Road) on page 26 of the Site Assessment Report under the Felsted Neighbourhood Plan and supporting documents shown on the Uttlesford District Council (UDC) website <https://www.uttlesford.gov.uk/felstednp> The site was assessed and, as clearly stated in the site assessment results, was considered to be unsuitable for the following reasons:

- It builds coalescence between Felsted Village and Causeway End.*
- Development of the site conflicts with Heritage and Character Assessment which identifies green spaces between the Greens and adjoining settlements as a significant characteristic of the Parish.*
- Development of this site would significantly erode the open green space between Felsted Village and the hamlet Causeway End.*
- **The December 2018 SLAA sustainability appraisal** (see URL at bottom of page) **status concluded that** “The site is considered unsuitable as it would lead to a coalescence of Felsted and Causeway End and **would not contribute to a sustainable pattern of development**”.*
- In addition, the site is outside the village development limits (VDL’s) which is contrary to UDC Policy S7*

Traffic congestion

Paragraphs 5.1.20. and 5.1.21 of the FNP relating to Policy FEL/HVC5 (Managing Road Congestion at Felsted Village T Junction), include references to the movement of traffic through the village, pointing out that traffic is significantly impeded by parked cars and goods deliveries at businesses within the Historic Village Centre (HVC), saying, “in particular along Station Road, Chelmsford Road and Braintree Road” and that “Planning applications will be required to include a traffic impact assessment to demonstrate that the proposal will not further inhibit the free flow of traffic or exacerbate parking issues or identify and include appropriate mitigation measures”.

Though the application includes a “Transport Statement” containing numerous comments on national policies, referencing the Essex County Council (ECC) publication Development Management Policies and claiming that it has been assessed in “accordance with the requirements outlined in the FNP” it does not appear to have taken any account of the specific local issues identified by the FNP relating to the likely impacts on increased congestion around the T junction in the HVC.

Consequently, with the possible exception of Causeway End and Hartford End, the relocation of the shop to this location would require all potential future customers from virtually every area of higher residential volumes such as Garnetts Lane and Chaffix, Watch House Green (currently expanding), Bannister Green and several other larger hamlets which lay to the east of the village centre, to travel through the T junction in the village centre.

This is in direct conflict with the requirements of FNP Policy FEL/HVC5.

Accessibility

The existing village convenience store benefits from around 22 passing bus services per day (routes 133 and 16). The application site is only served by the route 16 which offers just 4 services per day.

The proposed location would also be less accessible to 'walk in' customers, including many elderly local residents, pupils and staff from Felsted school all of whom would be required to walk an additional circa 500 metres to the proposed site.

Sustainability

The application also includes a new café but Felsted does not require or want another café. There are already two cafes within the village centre and a third at Felsted School, when open the Swan also offers morning coffee and we fully anticipate any new management to offer a similar facility. Felsted Parish Council has no desire to create competition for these existing businesses which might further damage the character of the existing historic village centre.

Office Space

The application proposes four new self-contained offices, and it states that:

“A further aspiration of the Felsted Neighbourhood Plan was to ensure the availability of office space locally to provide for employment and changes to the work pattern whereby people either work from home (home office) or require small start-up office space local to them”.

This is a complete misrepresentation of a Policy within the FNP (FEL/RE1 – Start Up and Small Businesses) as this Policy expressly covers (as detailed in the Policy)

“The development of start-up and small business enterprises on 'brown field sites' or within the curtilage of existing business sites will be supported where it is demonstrated safe access can be achieved, and severe congestion will not be caused, and there will be no significant adverse impacts on local residential amenity”.

It is clearly the intention of Policy FEL/RE1 of the FNP to support the reuse of existing or potentially redundant rural buildings and home working. The intention is not to commercialise the village and whilst Policies FEL/RE3 and FEL/RE4 cover the Re-use of Rural Buildings and Home Working, they do not support new build development sites and there is no Policy within the FNP for the introduction of newly built offices.

The 'Farmers market'

The proposal also includes 'the potential for a farmers market'. This is a particularly ill-conceived proposal. Presented as a positive contribution to the community, the reality is that a farmers market in this location would generate heavy traffic, including large sellers' vehicles and unlimited customers' vehicles which could in no way be accommodated by the limited car parking facilities proposed and would result in significant "on street" parking and congestion in Chelmsford Road.

The Burial Ground

The proposed site is located immediately opposite one of the village's historic burial

grounds.

The nature of the proposed development, including a new shop and other commercial activities would require significant increased lighting for both late night retail operation and overnight security purposes.

Taken together with the comings and goings of residents and customers on the commercial development, we strongly contend that the character and dignity of the burial ground would be offensively compromised.

Changing the character – a longer term threat

*It is also noted that despite the UDC 2018 SLAA status, concluding that “The site is considered unsuitable as it would lead to a coalescence of Felsted and Causeway End **and would not contribute to a sustainable pattern of development**”, the site layout appears to display a clear potential opportunity, by means of an unutilised area to the rear of the central access road, which could facilitate potential access to the field at the east of the site, opening up the large agricultural field which extends to Jollyboys Lane North and Bakers Lane to further future development.*

The application includes 9 new dwellings, none of which are required by the parish or supported by the FNP.

The FNP supported the provision of 63 dwellings within the parish which were accompanied by significant community benefits identified within the FNP.

UDC Housing Supply

The Design & Access Statement also (incorrectly) refers to the outdated (April 2021) UDC housing land supply which (then) fell short of a recommended 5 year housing land supply at 3.52 years and argues that “It is therefore necessary to consider the proposals in the context of the presumption in favour of sustainable development in accordance with paragraph 11 of the NPPF and the Council’s inability to demonstrate a five-year supply of housing”.

However, UDC recently republished their 5-year Land Supply Statement, dated December 2022 (see URL at bottom of page), advising that they are currently able to demonstrate a 4.89 Year Housing Land Supply, which leaves a negligible and vanishingly small deficit of 0.11 years. The republished statement also confirmed that the Housing Delivery Test (HDT) showed a delivery, measured in 2021, of 99% of the required delivery over the last three years.

In real terms, this means that UDC is just 2 days short of a 5 Year (1825 days) objective. Very serious consideration needs to be given to the resentment of Felsted residents if UDC discount the fully “made” Felsted Neighbourhood Plan (which includes numerous Policies with which this application is in conflict), when it was supported by over 91% of the voting residents of Felsted, and where the shortfall represents just 0.11 years (or 2 days).

Felsted Parish Council suggest that the ramifications for local democracy should UDC dismiss the fully “Made” Felsted Neighbourhood Plan for such an insignificant deficit when the vast majority of our community voted in favour of the FNP, would be sufficient to “significantly and demonstrably outweigh the benefits”.

Conclusion & Summary.

- *Felsted Parish Council strongly objects to this application.*
- *The proprietor of the existing village shop (Linsell's) does not support this application and has asked to be disassociated from it.*
- *With no recorded contractual arrangement between the applicant and the proprietor of the existing village shop and Post Office, there can be absolutely no guarantee that a new shop in this location would operate as a food/general convenience store.*
- *Without any confirmation that the existing village shop and Post Office would transfer to this site, there is no realistic expectation that a second Post Office permit would be granted.*
- *UDC's 2018 SLAA status concluded that "The site is considered unsuitable as it would lead to a coalescence of Felsted and Causeway End and would not contribute to a sustainable pattern of development".*
- *Contrary to repeated implied claims in the applicants "Design & Access Statement" the Felsted Neighbourhood Plan does not support this location.*
- *The site is outside the VDL's and is therefore contrary to UDC Policy S7*
- *The location would necessitate an increase in local residents driving through the T junction in the VDL, thus increasing congestion contrary to the requirements of FNP Policy FEL/HVC5*
- *The site is directly opposite and threatens to disrupt an important place of internment and contemplation.*

URL to UDC's SUSTAINABILITY APPRAISAL (SA) FOR THE UDC LOCAL PLAN - Published December 2018

<https://uttlesford.moderngov.co.uk/documents/s9498/Updated%20SA.pdf>

URL to UDC's 5-YEAR LAND SUPPLY STATEMENT AND HOUSING TRAJECTORY - Published December 2022

https://www.uttlesford.gov.uk/media/11757/Housing-Trajectory-and-Five-Year-Land-Supply-1-April-2022-December-2022/pdf/Uttlesford_5YHLS_Statement_1_April_2022.pdf?m=638066240204870000

[UTT/22/3433/FUL](#)

Brook Cottage Gransmore Green Gransmore Green Lane

Application to vary condition to vary condition 3 (hard and soft landscaping) of

UTT/21/1267/FUL

No Comment

6. Decisions received since 20th December

[UTT/22/3060/HHF](#)

Howlands Bakers Lane

Proposed conversion of existing disused stables and storage barn to become elderly disabled accommodation

Permission Refused – 19th December 2022 *'it would create a separate dwelling independent of the host property within the countryside where new development is restricted. The proposal, therefore, would result in inappropriate development within the countryside.'*

[UTT/22/2993/HHF](#) /[UTT/22/2994/LB](#)

1 Aylands Farm Bannister Green

Single storey rear garden room extension.

Permission Granted – 28th December 2022

[UTT/22/2242/LB](#)

Peartree Farm Mole Hill Green

Retention of replacement windows at front of property and front door. Proposed removal of rear chimney and garden room to form larger conservatory and double doors in place of the removed chimney.

Permission Granted – 29th December 2022

[UTT/22/3121/HHF](#)

Conway Causeway End

Proposed rear balcony and canopy to rear elevation of existing dwelling

Permission Refused – 4th January 2023 *'it would by reason of its design, scale, siting, and boundary relationship overlook the neighbouring property known as Richmond Lodge and as such result in adverse impact on the residential amenity space of neighbouring property in terms of overlooking and loss of privacy, hence impacting on the enjoyment of the rear garden for the residential occupiers of that property.'*

[UTT/22/3057/FUL](#)

Tarcquita Braintree Road

Demolition of existing dwelling and outbuildings and erection of 1no. replacement dwelling and garage

Permission Refused – 4th January 2023 *'it is considered that the proposal would cause harm to the character and appearance of the site and the surrounding countryside'*

[UTT/22/2638/FUL](#)

Bury Farm House 2 Station Road

Proposed demolition of existing dwelling and other outbuildings and erection of 1 no. replacement dwelling and garage with associated works.

Permission Granted – 10th January 2023

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

No Comment

8 Other Urgent Planning Business and Future Dates

There are revisions being proposed by central government to the NPPF which include an invitation to participate in a consultation with a deadline of 2nd March. The Assistant Clerk will invite the District Councillors to the next Planning Committee Meeting to answer any questions from the councillors.

Next Meeting is 21st February 2023

..... 21st February 2023 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>