FELSTED PARISH COUNCIL

Minutes of the Planning Committee Meeting Tuesday 16th July 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 Graham Harvey.

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 18th June meeting were formally approved. They will be signed at the next Full Parish Council Meeting.

5. New Applications to be considered

UTT/24/1413/LB

Cressages 2 Cressages Close Bannister Green

Replacement of metal and timber windows with timber windows.

No Comment

UTT/24/1410/HHF

Cressages 2 Cressages Close Bannister Green

Extend driveway and dropped kerb to remove on-road parking and improve visibility. *No Comment*

UTT/24/1683/HHF / UTT/24/1684/LB

The Bungalow 1 Aylands Farm Bannister Green

Demolition and replacement of side extension, demolition and replacement of detached cart lodge outbuilding and addition of solar panels to rear roof elevation of Aylands Bungalow. Comment: Felsted Parish Council supports this application and believes that this is an enhancement to the property.

6. Decisions received since 18th June

UTT/24/1096/CLE

Land East Of Poplars Gransmore Green Lane

Use of existing building as a single dwellinghouse.

Permission Granted - 19th June 2024

UTT/24/1078/OP

Watchouse Farm Bannister Green

Outline application with all matters reserved except access for the erection of 4 no. dwellings.

Permission Granted - 24th June 2024

UTT/24/0687/FUL

Land East Of Chelmsford Road

A mixed-use development comprising village convenience store, along with dedicated parking facilities including a multi-use parking and overspill area, together with an external area for farmers market supported by a cafe including disabled WC provision. 3no. self-contained management offices, and 3no. dwellings comprising two 2 bedroom wheelchair adaptable bungalows and one 4 bedroom wheelchair adaptable chalet bungalow with home office and a dedicated 2m footpath route.

Permission Refused - 25th June 2024 'it introduces built form in the countryside with urbanising effects, failing to recognise the intrinsic character and beauty of the countryside. The proposal, results in the introduction of significant built form creating a visual barrier to this open rural character, to the detriment of the character and appearance of the countryside. The adverse impacts of the development significantly and demonstrably outweigh its limited benefits.'

UTT/24/1174/FUL

Land Off Stevens Lane

S73 application to vary condition 2 (approved plans) of UTT/23/2556/DFO (Details following outline application UTT/23/0047/OP for 1 no. dwelling - details of appearance, layout and scale) - position of dwelling.

Permission Granted - 5th July 2024

UTT/24/1314/HHF

Post Office House Hartford End

New detached single garage

Permission Granted - 10th July 2024

UTT/24/0411/FUL

Princes Halfyards Stebbing Road

Proposed demolition of stables/outbuildings. Construction of 2 no. dwellings and conversion of barn 4 to an annexe to Plot 2.

Permission Granted - 10th July 2024

7. Appeals to Consider

UTT/22/3513/FUL

APP/C1570/W/24/3343021

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: On 23rd December 2022 the initial planning application_was made to Uttlesford District Council (UDC - UTT/22/3513/FUL). The application was subject to strong local opposition and was objected to by Felsted Parish Council as, inter alia, being inconsistent with the fully made Felsted Neighbourhood Plan.

On 25th October 2023 application (UTT/22/3513/FUL) was refused by UDC.

On 14th March 2024 this (as yet undecided) appeal (APP/C1570/W/24/3343021) was lodged. The appellants have removed the name Linsell's from the "Appeal Statement". The misleading inclusion of the 'Linsells' name in the original application was disingenuous in the extreme and caused considerable unwanted personal anxiety for Linsells proprietors Mr and Mrs Silcock, within our community.

On 22nd April 2024 a very similar application to the matter subject of this appeal was submitted to Uttlesford District Council (UTT/24/0687/FUL). This application was similarly unwanted and was also strongly resisted by Felsted Parish Council and local residents. On the 25th June 2024 the application (UTT/24/0687/FUL) was refused by UDC for many of the same reasons the parish considers pertinent to this appeal, including conflict with numerous valid planning policies in the Statutory Local Development Plan. Application UTT/24/0687/FUL was refused for the following reasons:

"The proposed development introduces built form in the countryside with urbanising effects, failing to recognise the intrinsic character and beauty of the countryside. The proposal, results in the introduction of significant built form creating a visual barrier to this open rural character, to the detriment of the character and appearance of the countryside.

The adverse impacts of the development significantly and demonstrably outweigh its limited benefits. Therefore, the proposal fails to comply with policies S7, GEN2 of the Uttlesford Local Plan (2005), Policies FEL/HN1, FEL/HN5, FEL/HVC2, FEL/ICH1, FEL/ICH4, FEL/CW3 of the Felsted Neighbourhood Plan and the National Planning Policy Framework (2023)"

Felsted Parish Council (FPC) now seeks the dismissal of this appeal for an application which was correctly refused by the Uttlesford District Council Planning Committee, as being in clear conflict with UDC Policies and policies in the fully "made" Felsted Neighbourhood Plan (FNP), Policies FEL/HN1, FEL/HN5, FEL/HVC2, FEL/ICH1, FEL/ICH4 and FEL/CW3.

This proposal seeks to introduce significant unwanted and inappropriate commercial development outside the recognised Village Development Limits (VDL's). It would urbanise the area and destroy an important open countryside space, in direct conflict with many Policies in the UDC Local Plan and the FNP and contrary to important components of the Felsted Heritage and Character Assessment (FHCA). It is totally unacceptable.

Critically and contrary to the appellant's lengthy claims, the proposed development:

- 1. Does not comply with policies within the fully "made" FNP
- 2. Claimed, without any foundation whatsoever, to be supported by the proprietor of the existing village shop and post office, whose personal business it proposed, in direct conflict with the owner's stated wishes, 'to relocate'
- 3. Includes a so called "farmers' market" that raises very significant concerns about the impact of unacceptably high volumes of uncontrolled on-street parking with associated safety issues and due to what appears to be confusion over responsibility, this specific issue does not appear to have been properly assessed. (See separate comments below regarding parking and road safety).
- 4. Is potentially damaging to both established businesses and the community of Felsted and

5. Is based on a misappropriation of the Felsted Neighbourhood Plan by the appellant which must not be legitimised by allowing this appeal.

Uttlesford District Council (UDC) Planning Committee

Somewhat unusually in UDC, the appellant was represented at the UDC Planning Committee by a Kings Counsel (KC), Mr Richard Humphrey KC. As a skilled and experienced advocate, whilst he was very articulate in his efforts to persuade the Committee of the value of the application, he demonstrated no regard whatsoever for existing planning policies.

He artfully distracted Committee members and preoccupied them with issues that were inconsistent with important current policies in the fully "made" FNP. Counsel also repeated unfounded assertions of support for the application by the proprietor of the existing village shop (Linsell's) despite the record clearly showing that the proprietor (Mr Richard Silcock) had submitted his own robust written objection.

The whole point of Mr Silcock submitting his objection, clearly stating that he did not support the application, was to place on the record his strong opposition to a proposal to relocate his business to the proposed location against his wishes.

Despite the appellant being made fully aware before submitting the application and this appeal, that Mr Silcock was opposed to moving his business to this location, the appellant not only persisted with the application but disingenuously, included the name of the village shop (Linsells) in a fiction of a joint application: when it clearly was not!

Whilst Mr Silcock readily acknowledges that he had exchanged views on the possible future relocation of his shop with the landowner, he also makes it clear that he had similar discussions with other local landowners and that, well before the submission of this application, he had advised the appellant landowner that he had concluded that this location would not be appropriate for his business. There was no contractual arrangement between the parties.

Despite Mr Silcock's recorded objection, Counsel made repeated and sometimes extravagant references to historical exchanges between Mr Silcock and the landowner, refusing to acknowledge that Mr Silcock had expressed an opposing view which was clearly on record. He attempted to convince the committee that informal exchanges between the two parties was evidence of irrevocable support. Some committee members were very obviously being carried along by his skilled and persuasive advocacy. Disappointingly, Mr Silcock's personal objection appears not to have been considered relevant by some members of the Planning Committee. He was not a party to the planning application nor is he a party in this appeal.

With Linsells remaining in its current Grade II listed premises, approval of this appeal would mean the introduction of an additional village shop and another post office in competition with the existing business and threatening its viability. Moreover, there was no debate or properly focused consideration by the Committee of the obviously unrealistic prospect of a second Post Office Licence ever being sanctioned in the same village. Establishing or even moving a Post Office requires a number of very specific actions involving local councillors, the local MP and public consultations. The consultations include listing on the Post Office Consultation Hub and can take several weeks. None of

these specific requirements were discussed or even given consideration.

This lack of discussion about an implausible but essential set of demands is one of the many reasons to dismiss this appeal. The seeming lack of either awareness or concern of some of the members of the Committee to the objection of the owner of the very business that the appellant was proposing to relocate was very troubling. In addition, the Planning Committee should prioritise policies in the Statutory Local Development Plan and for some of the Committee to appear to either ignore or to be unaware of both their own Councils Local Plan Policies and the numerous Policies in a democratically determined Neighbourhood Plan which had been "made" by their own Council was concerning.

In his appeal the appellant refers to the casting vote of the chair of the (UDC) Planning Committee, but his understandable refusal followed a discussion by the Committee that was not focussed on the policies of the FNP, which is the most up to date component of the Statutory Local Development Plan. In contrast to the meandering discussions by other members of the Planning Committee, the critical casting vote of the Chair of Uttlesford District Councils (UDC's) Planning Committee in refusing the application was entirely consistent with current policies and was a correct response.

It was absolutely appropriate that the Chair used his casting vote as he did. The Chairs casting vote was "plan lead" and was consistent with the report of the delegated Planning Officer which recommended refusal for "failure to comply with policies S7, GEN2 of the Uttlesford Local Plan (2005), policies FEL/HN1, FEL/HN5, FEL/HVC2, FEL/ICH1, FEL/ICH4, FEL/CW3. of the Felsted Neighbourhood Plan and the NPPF (2023)". Note: Felsted Neighbourhood Plan can be found at: https://www.uttlesford.gov.uk/media/10141/Felsted-Neighbourhood-Plan-Made-25-February-2020/pdf/Felsted NP 2018-2033-a.pdf?m=1582822087553

UDC Local Plan and Felsted Neighbourhood Plan

In addition to an unwanted additional village store and Post Office in direct competition to our community's much valued existing village shop, the application also proposes a new café, three offices, a farmers" market and nine new dwellings, none of which are required or supported by either the community or the FNP, which would include additional unwanted competition for our existing village cafés.

Whilst competition is of itself not a planning issue, where existing businesses occupy listed buildings in a Conservation Area, competition from businesses in nearby new builds, which are cheaper to occupy and maintain and which therefore offer greater profitability, threaten not only the viability and sustainability of existing businesses but also the ability of owners to maintain precious heritage assets which contribute to the unique character of the village.

The appellants, in their 67 page "Appeal Statement" go to considerable length to dismiss UDC's extant 2005 Local Plan as being out of date, arguing that consequently "NPPF paragraph 11 d (ii) therefore applies". But with their Appeal Statement dated "April 2024", they inaccurately reference the NPPF paragraph 14 which following revisions to the National Planning Policy Framework (NPPF) in December 2023 elevate the Felsted Neighbourhood Plan (less than 5 years old) to become a significant "material consideration".

As the most up to date component of the Statutory Local Development Plan for Felsted,

conflict with the FNP justifies refusal of this appeal.

The appellant then suggests that the made FNP does not meet the requirement of NPPF paragraph 14 because of a failure to meet a **yet to be formalised future housing allocation** for Felsted that only exists in the current "draft" (Regulation 19) UDC Local Plan which, if adopted, will need to be delivered between now and 2041! The appellant is irrationally suggesting that the FNP should be disregarded because it has "failed to deliver" housing that is not yet even formally allocated! The parish council regards this as an example of the misleading and desperate nature of this application and appeal.

The Felsted Neighbourhood Plan, "made" by the full council of UDC on 25th February 2020, (making it less than 5 years old) had an identified housing requirement for Felsted as one of 19 "Type A" villages in the then draft (but subsequently stalled) UDC Local Plan of 134 dwellings to be shared between the 19 "Type A" villages in Uttlesford, giving an average of 7 dwellings to each "Type A" village (this became Felsted's identified housing requirement in compliance with NPPF paragraph 68). See page 25 (item 3.38), page 26 (Policy SP2), page 32 (Dwellings to be provided in New Allocations in the Draft Plan 2017-2033) and page 34 (Spatial Strategy - Policy SP3) of the then draft Uttlesford District Council Corporate Plan 2018-2022 – see URL below:

https://www.uttlesford.gov.uk/media/8248/Uttlesford-Regulation-19-Pre-submission-Local-Plan/pdf/Reg 19 local plan 21.06.18 low res for web.pdf

However, the Felsted Neighbourhood Plan Steering Group (FNPSG), in recognition of the need to support UDC's 5 Year Housing Land Supply went well beyond the identified housing requirement of the "shared allocation" of 134 dwellings across the 19 Type A villages by allocating 63 dwellings within the FNP (on two separate sites) which is 9 times the draft Local Plan allocated average number of 7 for Felsted.

63 dwellings have since received planning approval and are currently under construction. For the appellant to suggest that the Felsted Neighbourhood Plan does not meet the requirements of NPPF paragraph 14 is simply wrong and a further example of the manipulation and distortion of demonstrable facts that this appellant frequently demonstrates.

To suggest in their Appeal Statement (5.34) that the fully "made" FNP should be disregarded, because "Given the regulation Local Plan requires Felsted Parish to deliver an additional 84 dwellings both of these points are not satisfied" when the 84 dwellings referred to only exist as part of the draft future UDC Local Plan, which (if adopted) will require them to be delivered over the next 17 years, is typical of the baseless and misleading claims made by this appellant.

In addition, the FNP is currently undergoing a formal review and the Felsted Neighbourhood Plan Review Group (FNPRG) has already confirmed to UDC that if their current draft Local Plan is adopted, that Felsted will accept the responsibility for the allocation of a site or sites to accommodate the (future) allocation of those 84 dwellings. Initial public consultation has taken place and discussions with landowners and site allocations is in progress.

Through a formal community consultation process and referendum, residents of Felsted are

entitled and perfectly capable of determining the future allocation of dwellings and their sites within the parish. Residents do not need nor require unwanted and strongly opposed development forced upon them in a completely inappropriate location, by a developer driven entirely by commercial gain and showing absolutely no respect for our properly and democratically established Neighbourhood Plan.

It is a matter of public record that the existing FNP met and continues to meet all requirements of NPPF paragraph 14. Despite the appellant's extensive and repeated attempts to misrepresent and misappropriate the FNP for commercial gain, this appeal should be dismissed on the grounds of conflict with the FNP.

Inappropriate site location.

The appellant claims that the application meets the requirements of FNP Policy FEL/HVC2.

Policy FEL/HVC2 of the FNP does support the relocation of the shop, should it be required. However, that support is not unconditional and the proposed site was not and is not considered appropriate as it conflicts with other Policies within the FNP.

It is on record that the site was properly assessed during the FNP site assessment process and was deemed unacceptable for development for multiple legitimate planning reasons. It has been reassessed as part of the NP review process and it continues to be considered unacceptable

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 appellant, in the Appeal Statement (item 5.26) recognises that the FNPSG rejected this site (Fel15) but suggests that because that rejection included a comment of the site submitted under the "Call for sites" programme being "a greenfield site which would wrap development around the southern edge of Felsted" and the current proposal is for a smaller site, that it makes that rejection irrelevant. However, the appellant conveniently chooses not to quote the further comment included in that assessment, that clearly states "Development of the site would lead to coalescence between Felsted and Causeway End. The site is considered unsuitable as development on the site would not contribute to sustainable patterns of development". These objections and the inappropriateness of the site which would result in building coalescence and the unacceptable urbanisation of the open countryside, apply equally to the proposed site.

The site was properly assessed and as clearly stated in the site assessment results, is considered to be unsuitable for the following reasons:

- 6. Development of this site would significantly erode the open green space between Felsted Village and the hamlet Causeway End.
- 7. Development of the site also conflicts with the Felsted Heritage and Character Assessment (FHCA) which identifies green spaces between the Greens and adjoining settlements as a significant characteristic of the Parish (see reference to FHCA "Sensitivity to Change" below).
- 8. 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".
- 9. In addition, the site is outside the village development limits (VDL's) which is contrary to UDC Policy S7 and FNP Policy FEL/HN5.

Simply reducing the size of the site does not circumvent any of the stated reasons for declaring the site as unsuitable.

We would add that locating the village shop on the proposed site near the extreme eastern edge of the parish would result in the vast majority of Felsted residents who wished to visit a shop at this location having to travel by car and requiring them to negotiate the very congested Tee junction of the Chelmsford Road/Station Road/Braintree Road which the applicant (in the penultimate paragraph of section 7.46 of their Appeal Statement) refers to as "the notorious T junction" in the village centre.

Felsted Heritage and Character Assessment (FHCA)

The Felsted Heritage and Character Assessment can be found at:
https://www.uttlesford.gov.uk/media/9591/Felsted-Heritage-and-Character-Assessment-lr.pdf?m=1690290572277

Sensitivity to Change (See page 30):

The FCHA states "There are also some elements which are particularly sensitive to change. These relate principally to new development in the area."

- *The rural edges of the village are sensitive to urban expansion;*
- The gaps formed by open countryside between the village of Felsted and Causeway End**.
- ** This includes the specific land that is subject to this application.

Farmers' Market - Parking and Highways Safety.

Felsted Parish Council has specific and serious concerns over the potential impact of the proposed farmers' market, as "proper consideration" does not appear to have been applied by the relevant authority.

The planning application includes in the site description "dedicated parking facilities and multi-use overspill area". This "multi use overspill area" is the only possible parking to accommodate all vehicles associated with the farmers' market (which would have to include every trader/sellers vehicle and every visitor's vehicle) but comprises just 10 spaces.

The ECC Highways submission, stating that they considered the proposal acceptable, was made over a week after the official closure date for comments thus preventing any timely challenge by Felsted Parish Council. However, FPC subsequently wrote directly to Essex County Council Highways expressing serious concern over their conclusion that the proposal was "acceptable", when it included a farmers' market which with very limited parking, based on our local experience, would be completely inadequate and would almost certainly result in unacceptable and dangerous on road parking on the very busy Chelmsford Road.

The Parish Council was both surprised and dismayed when ECC Highways (Eirini Spyratou

- Strategic Development Officer) responded (on Oct 30th, 2023) saying:

"There are no parking standards in the ECC guidance that can be readily applied to markets or farmers' markets which are usually ancillary to other retail operations" going on to say, "Uttlesford District Council as parking authority have not raised any concerns in this regard. Ultimately it is our understanding that Farmers' Markets would be subject to appropriate authorisation by street trading licences in any event and therefore in the unlikely event that any such future use of the land gave rise to significant operational concerns these could be reviewed."

FPC strongly asserts that if ECC Highways gave no consideration to the impact of a farmers' market because (as they have subsequently stated) "there are no parking standards in the ECC guidance that can be readily applied to markets or farmers' markets", then their formal response to the application which stated "From a highway and transportation perspective the impact of the proposal is acceptable" is neither evidence nor policy based and should not be relied upon as support for the proposal.

We suggest that when ECC Highways own description of the "proposal" to which they are responding categorically includes a farmers' market they should, at the very least, have included a qualification making it absolutely clear that their stated "acceptance" excluded any consideration of the potential consequences of a farmers' market on on-street parking.

It therefore appears that responsibility for ensuring the avoidance of inappropriate on-street parking on roads within the parish, including Chelmsford Road falls, not as we would have expected to ECC Highways, but to UDC either via the planning application or by ensuring that any future farmers' market is subject to a "street trading licence".

If ECC Highways are correct that it is "Uttlesford District Council as parking authority" then UDC's Planning Committee appears to have been in error in not debating this critical aspect of the suitability of the site for a "farmers' market". There was therefore no appropriate "due diligence" by the UDC Planning Committee.

There was no debate in Committee to indicate that they were content that to avoid any risk of on street parking, that just 10 "overspill parking spaces" would be sufficient to accommodate all farmers' market sellers' vehicle and every potential customer vehicle. One councillor commented "I think the farmers' market is a great addition" without demonstrating any awareness of UDC's responsibility to consider the potential impact on on-street parking.

Experience of local farmers' markets has regularly shown that they can attract huge numbers of vehicles often being in the tens of dozens and frequently requiring "parking marshals" and the use of extensive "field" parking to alleviate congestion.

FPC is extremely concerned about the potential for indiscriminate parking on Chelmsford Road about which neither ECC Highways nor the UDC Planning Committee have demonstrated any evidence of having given adequate consideration

To add weight to this serious and genuine concern and to emphasise FPC's fears, we draw attention to the comments of ECC Highways just a few months ago, when in response to a separate application just a few hundred metres away, also on the Chelmsford Road,

(application UTT/23/1466/FUL – The Boote House) when referencing the critical nature of Chelmsford Road as an important secondary distributor road in ECC's highway hierarchy plan, ECC Highway's comments included:

".....which could lead to inappropriate on-street parking on the B1417 Chelmsford Road and/or B1417 Braintree road and/or Station Road (Secondary Distributor), to the detriment of highway safety and efficiency.

The B1417 Chelmsford Road, B1417 Braintree Road and Station Road are a secondary distributor part of Essex County Council Development Management Route Hierarchy Plan. The main function of the highway is that of carrying traffic safely and efficiently between substantial rural populations and on through routes in built up areas".

It is pertinent to point out the inconsistency when ECC Highways responded to the above application expressing their concern over The Boote House proposal "which could lead to inappropriate on-street parking on the B1417 Chelmsford Road" and did not devolve that decision to "Uttlesford District Council as parking authority". Hence our concern over the apparent uncertainty of who should be ensuring there is no potential for unconstrained parking on the Chelmsford Road as a consequence of the appealed Planning Application and the apparent lack of any evidence of a proper assessment.

For all the above reasons, Felsted Parish Council strongly objects to this proposed development and urges the Inspector to dismiss the appeal.

8. To Consider the Great Bardfield Neighbourhood Plan Consultation

No Comment

9. Draft Local Plans - Uttlesford DC, Braintree DC

It was noted that Braintree is reviewing its local plan. There is more information here: www.braintree.gov.uk/localplanreview

It was noted that Felsted's housing allocation in the Uttlesford Local Plan has increased from 84 to 104.

10. Other Urgent Planning Business and Future Dates

Next Meeting is 20 th August

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