



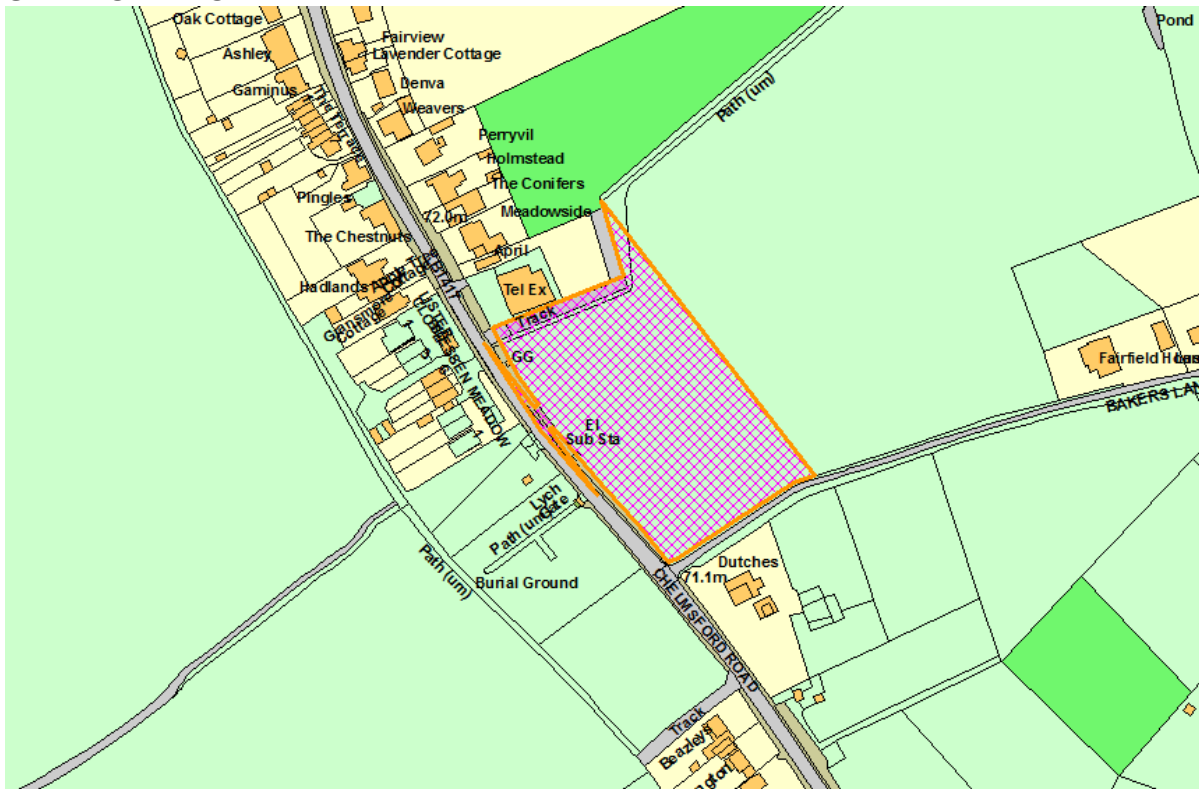
ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 25th October 2023

REFERENCE NUMBER: UTT/22/3513/FUL

LOCATION: Land East of Chelmsford Road, Felsted, Essex

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 9th October 2023

PROPOSAL: 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

APPLICANT: Linsells Of Felsted And Felsted Place Limited

AGENT: Mr Nigel Tedder

EXPIRY DATE: 17.02.2023

EOT EXPIRY DATE: 02.09.2023

CASE OFFICER: Mark Sawyers

NOTATION: Outside Development Limits
Tree Preservation Order - Reference Number: 2/85/52 - Category: 65 [Tree Type: Oak]
Mineral Safeguarding Area - Description: Sand/Gravel
Essex Coast RAMS

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. **EXECUTIVE SUMMARY**

1.1 This outline planning application is for the erection of up to 7 no. new dwellings with all matters reserved except access.

1.2 It comprises of an irregular shaped approximately 2-acre parcel of land located outside the development envelope situated to the south of Felsted.

1.3 This proposal would make use of previously undeveloped agricultural land and contribute 9 no. new dwellings towards the Local Planning Authority's 5YHLS, along with additional employment benefits.

2. **RECOMMENDATION**

That the Strategic Director of Planning be authorised to **REFUSE** for the reasons set out in section 17 of this report.

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The application relates to Land East of Chelmsford Road, located outside the development limits of Felsted.
- 3.2** It comprises an irregular shaped approximately 2-acre parcel of agricultural land.
- 3.3** The land in question is open and grade 2 in the context of agricultural land classification and as such, this is described as been a very good quality agricultural land.
- 3.4** The site already benefits from vehicular access onto Chelmsford Road.
- 3.5** The proposed site is located within flood zone 1, which has a low probability of flooding from rivers and the sea.
- 3.6** It is noted that most developments that are less than 1 hectare (ha) located in flood zone 1 do not need a flood risk assessment (FRA) as part of the planning application.
- 3.7** There is 1 no. tree in that vicinity of the site with a tree preservation order on it. This is located to the southern boundary of the site adjacent to the existing road.
- 3.8** The site is bound to by open countryside to the north, with a telephone exchange located to the west, with additional dwellings located opposite the road to the south along with a cemetery.

4. PROPOSAL

- 4.1** The proposal relates to 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.
- 4.2** Together with nine dwellings comprising a one 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.
- 4.3** The commercial element would contain;
Village Store (430sqm, tradable 278sqm)
Office one (64sqm)
Office two (64sqm)
Office three (53sqm)

Café (57sqm)
Total= 668sqm

4.4 Residential element would contain:

1 x 1-bedroom apartment
2 x 2-bedroom houses
2 x 3-bedroom apartments
3 x 4-bedroom houses
1 x 5-bedroom chalet bungalow
Total = 9 dwellings

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. RELEVANT SITE HISTORY

6.1

Reference	Proposal	Decision
Not Applicable		

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Pre-application advice has not been sought on the application and the Local Planning Authority are not aware of a consultation exercise carried out by the applicant.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 No comments received

8.4 Local Flood Authority

8.4.1 No comment to consultation request

9. PARISH COUNCIL COMMENTS

- 9.1**
- 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.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

- 10.1.1** *"The site is 0.9 hectares there is a 40% affordable housing policy requirement which equates to 4 properties. Given the proposed mixed use of the site the applicant may want to consider an off-site contribution for the affordable housing provision rather than direct delivery of affordable housing upon the site."*

10.2 UDC Environmental Health

- 10.2.1** No objections subject to the imposition of conditions regarding:
- Submission of a Noise Mitigation Scheme.

10.3 UDC Landscape Officer/Arborist

- 10.3.1** No comment.

10.4 Place Services (Ecology)

- 10.4.1** No objections subject to the imposition of conditions regarding:
- Development to be in accordance with the ecology appraisal.
 - Submission and approval of biodiversity enhancement layout.
 - Submission of a Wildlife Sensitive Lighting Design Scheme.

10.5 Place Services (Archaeology)

- 10.5.1** No objections subject to the imposition of conditions regarding:
- Archaeological programme of trial trenching and excavation.

10.6 Crime Prevention Officer

10.6.1 *“Whilst there are no apparent concerns with the layout to comment further we would require finer detail such as the proposed lighting, boundary treatments and physical security measures.”*

10.7 Anglian Water

10.7.1 *“The foul drainage from this development is in the catchment of Felsted Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.”*

With regard to the wastewater network and sewage treatment works infrastructure capacity. Thames Water would not have any objection towards this planning application subject to conditions being stipulated that would, based on the information provided.

10.7.2 Therefore, subject to conditions regarding:

- A scheme for on-site foul water drainage works.
- The submission of a surface water management strategy.

Subject to the information being submitted, Anglian Water would not raise an objection.

11.1 A site notice was displayed on site and 61 notifications letters were sent to nearby properties.

11.2 Support

11.2.1 Not applicable

11.3 Object

- 11.3.1**
- Increased traffic
 - Highway safety
 - Increased pollution
 - No affordable housing
 - Impact on environment
 - Character of the area
 - Detrimental impact on social structure
 - Detrimental impact on governance
 - Inappropriate usage
 - Insufficient water pressure
 - Insufficient sewage treatment
 - Potential site of historical significance
 - Impact on the neighbours

- Speed limit not adhered to
- Overdevelopment
- Does not follow the Neighbourhood Plan
- GP Surgery cannot cope
- No need for additional cafes, farmers markets, post office and shop.
- Countryside setting
- Request that the name "Linsells of Felsted" be removed from this application
- The applicant does not have the right to use said trading name
- No site notice displayed
- Not received letter informing residents of proposal
- Parking problems on the lane
- Light pollution
- Lack of a study demonstrating a need for commercial space
- Lack of access into agricultural fields
- Unlit road
- Proximity to conservation area
- Ridge height of shop/buildings
- Poor quality plan
- Lack of bicycle parking
- Increase in criminal activity
- Increased flooding
- Drainage
- Distance to a bus route
- Urban infill
- Lack of school spaces
- Conflict of interests

11.4 Comment

- 11.4.1**
- The required statutory consultations have been made.
 - The material consideration will be considered in the following report.

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations and Assessments" section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application:
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

12.3 The Development Plan

- 12.3.1** Essex Minerals Local Plan (adopted July 2014)
- Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
- Uttlesford District Local Plan (adopted 2005)
- Felsted Neighbourhood Plan (made February 2020)
- Great Dunmow Neighbourhood Plan (made December 2016)
- Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
- Thaxted Neighbourhood Plan (made February 2019)
- Stebbing Neighbourhood Plan (made July 2022)
- Saffron Walden Neighbourhood Plan (made October 2022)
- Ashdon Neighbourhood Plan (made December 2022)
- Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2023)

13.2 Uttlesford District Local Plan 2005

13.2.1	S7	The Countryside
	GEN1	Access
	GEN2	Design
	GEN3	Flood Protection
	GEN4	Good Neighbourliness
	GEN5	Light Pollution
	GEN6	Infrastructure Provision
	GEN7	Nature Conservation
	GEN8	Vehicle Parking Standards
	H1	Housing development
	H9	Affordable Housing
	H10	Housing Mix
	E1	Distribution of Employment Land
	E3	Access to Workplace
	ENV3	Open Space and Trees
	ENV4	Ancient Monuments and Sites of Archaeological Importance
	ENV5	Protection of Agricultural Land
	ENV10	Noise Sensitive Development
	ENV11	Noise generators

ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land

13.3 Felsted Neighbourhood Plan

- 13.3.1** FEL/HN1– Meeting Housing Needs
 FEL/HN5 – Residential Development Outside Development Limits
 FEL/HN7 – Housing Mix
 FEL/HVC2 – Existing Village Shop and Post Office
 FEL/ICH 1 – High Quality Design
 FEL/ICH3 – Light Pollution
 FEL/ICH4 – Avoiding Coalescence
 FEL/RE4 – Home Working
 FEL/CW1 – Landscape and Countryside Character
 FEL/CW3 – Footpaths, Bridleways and Cycleways

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
 Essex County Council Parking Standards (2009)
 Supplementary Planning Document – Accessible homes and playspace
 Supplementary Planning Document – Developer’s contributions
 Essex Design Guide
 Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

14.1 The issues to consider in the determination of this application are:

- 14.2**
- A) Principle of Development**
 - B) Design, Layout, Scale and Appearance**
 - C) Impact on Neighbours and Amenity**
 - D) Highways Authority and Parking Standards**
 - E) Flood Protection**
 - F) Environmental Health**
 - G) Ecology**
 - H) Accessibility**
 - I) Landscaping**
 - J) Planning Balance**

14.3 A) Principle of Development

14.3.1 The site is located outside the defined Development Limits of Felsted and therefore in the countryside for the purposes of the Local Plan. The proposal conflicts with the restrictive approach to housing development in the countryside advocated by Policy S7. However, this policy is partially compliant with the National Planning Policy Framework (NPPF) which is more permissive and seeks to promote sustainable development, accepting that there are differences in the level of sustainability between

countryside and town locations. The policy has consistently been found to have moderate weight at appeal.

14.3.2 The National Planning Policy Framework (NPPF 2023) applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

14.3.3 In any case, paragraph 80 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. In this regard, housing site should be within or adjacent to existing settlements to prevent sporadic development in the countryside.

14.3.4 The National Planning Policy Framework is a material consideration and paragraph 11 set out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

“Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

14.3.5 The development site is located outside development limits. The Council's October 2023 published land supply figure is 5.14, this figure does include the necessary 5% buffer. That said the Council's Development Plan cannot be viewed as being fully up to date as such NPPF paragraph 11(d) of the National Planning Policy Framework (NPPF) is still likely to be engaged, depending on the specifics of the development proposed.. As such the development should be assessed against the three strands of sustainable development (social, economic and environmental).

14.3.6 Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development.

14.3.7 *Sustainable Development:*

There is a presumption in favour of sustainable development in the National Planning Policy Framework (NPPF). Sustainable development is defined as being based on three dimensions – economic, social and environmental. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent.

14.3.8 *The Countryside:*

The application site is outside defined development limits and is therefore deemed to be in the countryside. Policy S7 of the Uttlesford Local Plan states that the countryside will be 'protected for its own sake', that 'development in the countryside will be strictly controlled', and that 'permission will only be given for development that needs to take place there or is appropriate to a rural area'. It goes on to state that development should 'protect or enhance the particular character of the part of the countryside in which it is set'.

14.3.9 Policy S7 takes a more protective approach to countryside development, unlike NPPF's positive stance, but the aim to protect the countryside for its own sake remains entirely relevant and consistent with the NPPF in recognising the intrinsic character and beauty of the countryside (para 174(b)) while identifying opportunities for villages to grow where this would support local services (para 79). Development will be strictly

controlled, and isolated houses will need exceptional justification (para 80).

14.3.10 Felsted Neighbourhood Plan:

The Felsted Neighbourhood Plan was made on the 25th February 2020, this plan sets out a vision for the future of the parish and planning policies which will be used to determine planning applications locally.

The appropriate sections of this Neighbourhood Plan to take into consideration are listed below:

- 14.3.11** FEL/ICH 1 – High Quality Design
- FEL/ICH3 – Light Pollution
- FEL/ICH4 – Avoiding Coalescence
- FEL/RE4 – Home Working
- FEL/CW1 – Landscape and Countryside Character
- FEL/CW3 – Footpaths, Bridleways and Cycleways

14.3.12 FEL/HN1– Meeting Housing Needs

The following sites are allocated for housing development of approximately 63 new homes within the Plan period:

- FEL/HN2: Sunnybrook Farm Site (approximately 24 units).
- FEL/HN3: Bury Farm Site (approximately 39 units).

14.3.13 FEL/HN5 – Residential Development Outside Development Limits

Residential development proposals demonstrating safe and suitable access, and being accompanied by a Transport Statement/Assessment, as appropriate, in accordance with the ECC Development Management Policies (2011), outside the Local Plan Village Development Limits shown on Maps 12, 13, 14, 15 and 16 will be supported where one or more of the circumstances set out in paragraph 79 of the National Planning Policy Framework apply or in the following circumstances:

- Rural Exception Housing, subject to the types of dwellings being provided being consistent with the needs identified in an up to date professionally assessed housing needs survey for the parish and subject to homes being allocated in perpetuity to those with a strong connection on a hierarchical cascade basis to Felsted Parish;
- Limited market housing required to enable the delivery of rural exception Affordable housing;
- Replacement dwellings where the size of replacement dwellings is dealt with on a site by site basis in line with Local Plan policy (See Adopted Plan 2005 Policy H7 – Replacement Dwellings and Emerging Local Plan (Reg 19) Policy H4);
- Supplemental residential dwellings in line with Policy FEL/HN6;

- Development allowed in exceptional circumstances on the edge of the VDLs by other policies in this plan (SC4 and SC6) where the community has been actively engaged, via the provision of a development brief and where exceptional benefits to the community (including delivery of infrastructure requirements identified in this Plan) can be clearly demonstrated; or
- Sites allocated in this plan (HN2, HN3).

14.3.14 FEL/HN7 – Housing Mix

New housing development will be supported where it provides:

- two-bedroom or three-bedroom accommodation suitable for young families; or
- homes suitable for older people that can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs; or
- other types of accommodation identified in the latest assessment of local housing needs; and/or
- affordable housing.

Major Development proposals must be accompanied by an up-to-date housing needs assessment where one has not been conducted by a reputable source within the last 3 years to demonstrate how the development will meet local housing need.

14.3.15 FEL/HVC2 – Existing Village Shop and Post Office

The relocation of the village shop and Post Office to an alternative site within the Felsted Neighbourhood Area to a location no less accessible to users and which will not necessitate on street parking will be supported.

In the event that the village shop and Post Office are vacated, change of use from Class A1 (Shops and retail outlet) to Class A3 (Food and drink), A2 (Professional Services), Class B1 (Business) and/or residential use on the site (shown on Map 3) will be supported.

Proposals must be subject to a Transport Statement/Assessment in accordance with ECC Development Management Policies (2011) to demonstrate that they will not exacerbate existing traffic congestion and parking issues at this location.

14.3.16 FEL/ICH 1 – High Quality Design

To be supported all development proposals must respect the character and heritage of the Neighbourhood Area and bring about enhancements to that character. This means for all development:

- Sustaining, reinforcing or enhancing the positive aspects of Felsted's character as described in detail in the Felsted Heritage and Character Assessment and summarised in supporting text to this policy;
- Being locally distinctive through architectural quality, choice of materials, height, scale and layout;
- Maintaining and respecting visual integrity of the historical settlement patterns and identities within the Parish; and
- Sensitive boundary treatment retaining where possible vegetated boundaries particularly those of native hedgerows and trees and incorporating boundary treatments that are sympathetic to local style and vernacular.

Development proposals that follow the 'energy hierarchy' in reducing energy demand before implementing renewable energy, or make the most of solar gain and passive cooling through the orientation, layout and design of the development will be supported.

The installation of EV charging points infrastructure (active or passive) in all developments (domestic and commercial) with parking facilities will be supported.

For countryside locations:

- Sensitive treatment of the rural edge particularly around Felsted village with regard to impact on heritage assets and their setting including the surrounding landscape;
- All new build proposals outside the development limits must not harm their landscape setting; and
- Any replacement dwelling in an area of low density and isolated buildings in a large plot should respond to and respect the setting and should enhance the character of the area.

For the Conservation Area:

Preserving or enhancing the heritage significance of the Conservation Area itself (including its setting) and the individual heritage assets within them (including their setting) and demonstrating due regard to the Felsted Conservation Area Character Appraisal.

14.3.17 FEL/ICH3 – Light Pollution

To be supported planning proposals:

- must not introduce overhead cables that will have an adverse effect on visual amenity; and
- only include external lighting that is essential, and include measures to avoid light spillage beyond the application site.

14.3.18 FEL/ICH4 – Avoiding Coalescence

Development proposals that, as viewed from publicly accessible locations, will visually significantly diminish the openness of the gap:

- between Felsted village and the hamlets of the Neighbourhood Area (Bannister Green; Bartholomew Green; Causeway End; Cobblers Green; Cock Green; Crix Green; Frenches Green; Gransmore Green; Hartford End; Molehill Green; Prior's Green; Pye's Green; Thistley Green; Watch House Green; Willows Green); or
- between the hamlets of the Neighbourhood Area; or
- between the hamlets of the Neighbourhood Area and settlements in adjoining parishes will not be supported.

14.3.19 FEL/RE4 – Home Working

Development that enables home working will be supported where it does not change the overall character of the property's use as a residential dwelling, remains an ancillary use, and does not harm local residential or visual amenity.

14.3.20 FEL/CW1 – Landscape and Countryside Character

To be supported development proposals must protect and enhance the landscape of the character area in which they are situated, and must not significantly harm the important long distance, short range and glimpsed views, identified in the Felsted Heritage and Character Assessment Report 2017.

14.3.21 FEL/CW3 – Footpaths, Bridleways and Cycleways

Any new development on or adjacent to an existing Public Right of Way or which is clearly visible from a Public Right of Way must consider the appearance of the proposal from the Right of Way and incorporate green landscaping to reduce any visual impacts.

Enhancements or extensions to the network, for example through improving accessibility or connectivity, will be supported and may be required where a scheme is likely to increase usage.

14.3.22 ***Applying policy S7 tests in conjunction with paragraph 8 of the NPPF for the Commercial Development:***

14.3.23 Economic objective:

The proposal will potentially provide a small contribution towards the wider local economy during construction, via employment for local builders and suppliers of materials, and post-construction via reasonable use of local services.

14.3.24 Social objective:

The site is in close proximity to Felsted where there are a number of shops, services and bus stops.

- 14.3.25** Environmental objective:
The proposal seeks to make more efficient use of the land, it provides a number of biodiversity gains.
- 14.3.26** ***Applying policy S7 tests in conjunction with paragraph 8 of the NPPF for the Residential Development:***
- 14.3.27** Economic objective:
The proposal will potentially provide a small contribution towards the wider local economy during construction, via employment for local builders and suppliers of materials, and post-construction via reasonable use of local services.
- 14.3.28** Social objective:
For the 'isolation' issue, recent case law (Braintree DC v SSCLG [2018] EWCA Civ. 610) defined 'isolation' as the spatial/physical separation from a settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is located to the south of Felsted, and as such, although not ideally positioned, it is not isolated. Paragraph 80 of the NPPF discourages new isolated homes in the countryside unless there are special circumstances to justify that location. Therefore paragraph 80 is not applicable on this occasion.
- 14.3.29** For the 'proximity to services' the location is not considered to be inappropriate because access to key services and facilities (e.g. supermarkets), sustainable public transport, employment and leisure opportunities are available within the village of Hatfield Heath. Although the new dwellings, village shop and farmers market would support local services in nearby villages, complying with paragraph 79 of the NPPF, this contribution would be modest, and as such, it would hold limited weight in decision-making. It is noted that there are a number of bus stops located within the vicinity of the site. These stops are:
- 14.3.30** 2 no. Bus stops (Felsted, Riche Close) approximately 230m away by road.
There are 4 buses a day between Wethersfield - Chelmsford as of (1st Sept 2022) run Monday-Saturday.
- 14.3.31** 2 no. Bus stops (Felsted, Church) approximately 450m away by road.
There are 4 buses a day between Wethersfield - Chelmsford as of (1st Sept 2022) run Monday-Saturday.
- There are regular hourly bus services between Stansted Airport – Braintree as of (11th Dec 2022) run Monday-Sunday.
- 14.3.32** Therefore, the proposal accords with paragraphs 104, 110(a) of the NPPF and policy GEN1(e).
- 14.3.33** Environmental objective:
The proposal seeks to make more efficient use of the land and provide housing towards the housing shortfall.

Felsted Neighbourhood Plan:

14.3.34 Applying Policy FEL/HN1 tests:

Criterion i): The site is not located within an allocated site for housing.

Criterion ii): The site is not located within an allocated site for housing.

14.3.35 Applying Policy FEL/HN5 tests:

Criterion i): The site is not a Rural Exception Site.

Criterion ii): Not Applicable.

Criterion iii): Not replacement dwellings.

Criterion iv): Not Applicable.

Criterion v): No Exceptional Circumstances have been demonstrated.

Criterion vi): Not Applicable.

14.3.36 Applying Policy FEL/HN7 tests:

Criterion i): The proposal incorporates 2 no two-bedroom dwellings and 3 no three-bedroom apartments.

Criterion ii): The dwellings would be built to M4(2) standards.

Criterion iii): Not Applicable.

Criterion iv): Not part of this proposal, but an offsite affordable housing contribution would be required.

14.3.37 Applying Policy FEL/HVC2 tests:

The relocation of the village shop and Post Office to an alternative site is considered to be further away from the current location. However the proposal would provide parking in order that on street parking is not required.

14.3.38 Applying Policy FEL/ICH1 tests:

Criterion i): The site is not a Rural Exception Site.

Criterion ii): The site would be comparable to the existing dwellings adjacent to the site.

Criterion iii): Not Applicable.

Criterion iv): The proposal would seek to retain existing boundary treatments where possible and add additional vegetation.

Criterion v): The proposal would seek to retain existing boundary treatments where possible and add additional vegetation.

Criterion vi): Due to the sites location, the proposal will have an impact on the landscape setting.

Criterion vii): Not Applicable.

14.3.39 Applying Policy FEL/ICH3 tests:

Criterion i): Not evident within the proposal that overhead cables will be introduced.

Criterion ii): This can be secured via a condition.

14.3.40 Applying Policy FEL/ICH4 tests:

Criterion i): The proposal will diminish the large gap that currently exists between Felsted and Causeway End.

Criterion ii): Not Applicable.

Criterion iii): Not Applicable.

14.3.41 Applying Policy FEL/RE4 tests:

The proposal seeks to provide dedicated office space within the development in order to aid people working from home.

14.3.42 Applying Policy FEL/CW1 tests:

The proposal does not significantly harm the important long distance, short range and glimpsed views, identified in the Felsted Heritage and Character Assessment Report 2017.

14.3.43 Applying Policy FEL/CW3 tests:

The proposal will be highly visible from the Public Right of Way network.

The proposal seeks to enhance the links to the Public Right of Way network.

14.3.44 The size of the proposal if it was purely residential would attract an affordable housing contribution, however as the proposal is for a mixed usage, and the size of the residential is smaller than the trigger, it would not require a contribution.

14.4 B) Design, Layout, Scale and Appearance

14.4.1 Section 12 (Achieving well-designed places) of the National Planning Policy Framework attaches great importance to the design of the built environment. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

14.4.2 Strategic policies require development to be compatible with a settlement's character. Policy GEN2 provides more detail as to this consideration stating that development will not be permitted unless its design meets all of a number of criteria.

14.4.3 The first criterion of Policy GEN2 is that the development be compatible with the scale, form, layout, appearance and materials of surrounding buildings.

14.4.4 The second criterion is that the development should safeguard important environmental features in its setting.

14.4.5

Plot no.	No of Bedrooms	Footprint (m2)	Eaves height (m)	Ridge height (m)	Building width at widest point (m)	Building depth at deepest point (m)
Plot 1	4	GF – 102m2 FF – 106m2	5.3m	9.1m	22.3m	14.9m
Plot 2	2	GF – 70m2 FF – 57m2	5.3m	9.1m	Part of Plot 1 building	
Plot 3	2	GF – 70m2 FF – 58m2	5.3m	9.1m	21.7m	15.2m
Plot 4	4	GF – 70m2 FF – 98m2	5.3m	9.1m	Part of Plot 3 building	
Plot 5	4	GF – 115.5m2 FF – 101m2	5.3m	8.7m	10.3m	13.8m
Plot 6	5	GF – 135.5m2 FF – 47m2	2.7m	6.9m	12.5m	14.1m

14.4.6

Apartment 1	3	FF – 148m2 Roof Terrace – 56m2	6m, 3.8m & 2.9m	10.7m	Part of shop building	
Apartment 2	3	FF – 133m2 Roof Terrace – 56m2	6m, 3.8m & 2.9m	10.7m	Part of shop building	
Apartment 3	1	GF – 10m2 FF – 53m2	5.3m	9.1m	Part of Plot 3 building	

14.4.7

Office 1	n/a	FF – 90m2	3m	6.7m 7.7m to ridge of dovecot	23m	8.5m
Office 2	n/a	FF – 90m2	3m	6.7m 7.7m to ridge of dovecot	23m	8.5m
Office 3	n/a	GF – 9m2 FF – 53m2	5.3m	9.1m	Part of Plot 1 building	

14.4.8

Shop	n/a	GF – 510m2	6m, 3.8m & 2.9m	10.7m	22.2m	33m
Café	n/a	85m2	2.7m	5.3m to ridge, 7m to clock tower	14.5m	6.8m

14.4.9

Garages Plot 1, 3 & Office 3	n/a	70m ²	2.8m	5.5m	9.6m	7.3m
Garages Plot 1, 3 & Office 3	n/a	70m ²	2.8m	5.5m	9.6m	7.3m
Garage Plot 6	n/a	46m ²	2.8m	5.4m	6.3m	7.3m

14.4.10 The residential dwelling side of the proposal would comprise of 1 no one-bedroom apartment, 2 no. two-bedroom houses, 2 no. three-bedroom apartments, 2 no. four-bedroom semi-detached houses, 1 no four-bedroom detached house and 1 no five-bedroom chalet style bungalow.

14.4.11 The commercial side of the proposal would comprise of village shop incorporating a post office, along with 3 no offices, an area for a farmers' market along with a café located to the front of the site.

14.4.12 It is noted that the proposal is substantial in scale, mass, density, form, height. In addition, given the position, location, design and appearance of the buildings, it is considered that when the proposals subject of this application are viewed from the, street scene, wider setting and adjacent PROW's, the proposal would be read as an incongruous and discordant addition to the locality.

14.4.13 The Essex Design Guide recommends that dwellings with 2 bedrooms should have private amenity spaces of 50m², 3-bedrooms should have 75m² and 4-bedroom and above should provide 100m².

14.4.14 Each plot would have sufficient garden amenity space in excess of the amenity standards to serve the property they serve.

14.4.15 The one-bedroom apartment doesn't appear to have any dedicated private amenity space, however there is a large amount of green space located within the site.

14.4.16 There would be sufficient separation distances between the proposed dwellings, whilst no overlooking or overshadowing issues would arise as a result of the development which would warrant refusal of the application.

14.4.17 Each plot would have sufficient parking provision for the dwellings. There is also sufficient visitor parking provided across the development.

14.4.18 Referring to the vehicle tracking diagram located within the Design and Access Statement, this demonstrates that a UDC refuse vehicle would be able to access the site and exit in forward gear for the purposes of refuse collection.

14.4.19 There are a mixture of styles in the locality, within the Design and Access Statement the agent has advanced reasoning that this proposal is an *"opportunity to extend the settlement boundary on the southern side of Felsted, in a similar manner to the opposite side of Chelmsford Road"*.

14.4.20 The range of materials presented are of a high quality, they would be considered to be acceptable and appropriate for the site's countryside setting if the principal of the development was acceptable.

14.4.21 Minimal trees and hedgerow are proposed to be removed under this application in order to safeguard the environmental features of the site.

14.4.22 The proposal is not considered to be of acceptable design, scale, mass, density, form, height. The proposal would therefore fail to comply with the requirements of Uttlesford Local Plan Policy GEN2.

14.5 C) Impact on Neighbours and Amenity

14.5.1 Uttlesford Local Plan Policy GEN2 seeks to ensure that development does not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

14.5.2 It is not considered that the application due to its size, scale and proposed usage would not result in any material detrimental overlooking, overshadowing or overbearing. Therefore, would not adversely impact on neighbour's amenity due to the location of the proposed development within the site and the separation distance to any neighbours.

14.5.3 According to Uttlesford Local Plan Policy GEN4, development and uses will not be permitted where:

- a) noise or vibrations generated, or
- b) smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants, would cause material disturbance or nuisance to occupiers of surrounding properties.

14.5.4 In order to protect the site from over development and to protect the amenities of the neighbouring dwellings, the Local Planning Authority must recommend that the dwellings Permitted Development rights are removed.

14.5.5 No objections are raised under Uttlesford Local Plan Policies GEN2, GEN4 and the National Planning Policy Framework (2023).

14.6 D) Highways Authority and Parking Standards

14.6.1 Policy GEN1 requires that access must be capable of carrying the traffic generated by the development safely and that it can be accommodated on the surrounding road network. It is considered that the amount of traffic generated from the development could be accommodated and that there would be no impact upon the surrounding road network.

- 14.6.2** In terms of impacts of the development upon the road infrastructure and highways safety, the Highways Authority at Essex County Council have been consulted. Their comments are outstanding at the point of writing this report and will be reported via the late list.
- 14.6.3** With regards to parking provision, this is demonstrated on the supplied plans to meet the adopted Uttlesford parking standards.
- 14.6.4** With regards to residential parking provision, there is sufficient parking in order to meet the adopted Uttlesford parking standards.
- 14.6.5** 2 no. visitor parking spaces are demonstrated on the plans, visitor parking is 0.25 spaces per dwelling, as the proposal demonstrates 9 no. dwellings the proposal should ideally provide 2.25 parking spaces for visitors to avoid parking on the road.
There is overspill parking demonstrated on the proposal.
- 14.6.6** With regards to commercial parking provision, the application proposes the following:
- 8 no. spaces, 2 no. parent & child and 1 no. disabled space located to the front of the shop.
 - 3 no. disabled and 5 no. spaces indicated as shop parking to the east of the shop.
 - 8 no. spaces for the café.
 - 10 no. overspill/burial ground parking spaces.
 - 5 no. spaces to the west of the shop.
 - 9 no. parking spaces for the offices.
- 14.6.7** As such the proposal would meet the adopted minimum parking standards and does accord with Uttlesford Local Plan Policy GEN8.
- 14.6.8** It is therefore concluded that the proposal accords with Uttlesford Local Plan Policies GEN1 and GEN8.
- 14.7 E) Flood Protection**
- 14.7.1** The site is located within flood zone 1, due to the scale of the proposal a flood risk assessment has been submitted.
- 14.7.2** The Lead Local Flood Authority have been consulted. At the time of writing this report they have not commented on the application.
- 14.7.3** As such, the proposal accords with Uttlesford Local Plan Policy GEN3.
- 14.8 F) Environmental Health**
- 14.8.1** Uttlesford District Council's Environmental Health Team have been consulted and have no objections to the proposal subject to conditions for the following:

- Submission of a Noise Mitigation Scheme.
- A Phase 1 Desk Study is undertaken and submitted to the Local Planning Authority along with any required remediation works required prior to any works commencing on site.
- The submission of a Demolitions and Construction Method Statement.
- The submission of a Construction and Demolition Management Plan.
- The Submission of an air quality assessment.
- External Lighting.
- The installation of electric vehicle charging points to minimise the impact of the development on the air quality of the area.

14.8.2 The proposal is not considered to have an impact on the surrounding neighbours, cause light pollution or contaminate the land in accordance with polices GEN4, GEN5, ENV10, ENV13 and ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework (2023).

14.9 G) Ecology

14.9.1 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

14.9.2 Essex County Council Ecology has been consulted on the proposal, after the submission of additional ecological information by the applicant, they are *“satisfied that there is sufficient ecological information available for determination”* subject to conditions securing biodiversity mitigation and enhancement measures.

14.9.3 Ecology are also supportive of the proposed biodiversity enhancement measures that are proposed as part of this application.

These include:

- Development to be in accordance with the ecology appraisal.
- Submission and approval of biodiversity enhancement layout.
- Submission of a Wildlife Sensitive Lighting Design Scheme.

14.9.4 As such, the proposal as submitted would comply in principle with Uttlesford Local Plan Policy GEN7 and the National Planning Policy Framework (2023).

14.10 H) Accessibility

14.10.1 Uttlesford Local Plan Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

14.11 H) Landscaping

14.11.1 In the interests of the appearance of the site and the surrounding area, a condition requesting the submission of a scheme of hard and soft landscaping to be submitted prior to the occupation.

14.11.2 Uttlesford Districts Councils Landscaping Officer has been consulted on this application and has not made any comments.

14.11.3 There are no landscaping objections towards this proposal as such it accords with ULP Policies GEN2 and ENV3.

14.12 J) Planning Balance

14.12.1 When considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Paragraph 11 (d) of the NPPF advises:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8) granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (7) or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

14.12.2 Therefore, a tilted balance approach should be applied in the assessment of the proposed development and whether the potential harm the development might cause ‘*significantly and demonstrably*’ outweighs the potential positive outcomes of the development as a whole.

14.12.3 The area is covered by the Felsted Neighborhood Plan was made on 25 February 2020.

Positives:

- 14.12.4**
- Result in a small level of economic and social benefit during the build. Together these elements are considered to carry limited weight in support of the scheme.
 - Village shop/post office will create a small number of jobs within the district.
 - The addition of 9 no. new dwellings in this location it would contribute to the Local Planning Authority land supply shortfall, at this time the LPA is unable to demonstrate a 5-year land supply.
 - The proposal seeks to make more efficient use of the land.

Negatives:

- 14.12.5**
- Outside Development Limits.
 - Does not comply with the Felsted Neighbourhood Plan Policies FEL/HN1, FEL/HN5, FEL/HVC2, FEL/ICH1, FEL/ICH4, FEL/CW3.
 - Detrimental impact and harm to the rural character of the site.
 - Urbanising and domesticating the site unduly.

14.12.6 Taking both the positives and negatives of the proposal into account it is concluded that the benefits brought by the development set out in this application will not outweigh the negatives of the development as a whole.

14.12.7 The principle of development is therefore not considered to be acceptable and would not be in accordance with Uttlesford Local Polices Uttlesford Local Plan Policy S7 and the National Planning Policy Framework (2023)

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster

good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

16. CONCLUSION

16.1 The following is a summary of the main reasons for the recommendation:

16.2 The principle of the development is not acceptable to the Local Planning Authority It also fails to accord with the made Felsted Neighbourhood Plan.

16.3 The proposed he proposed design and scale of the development are not considered to be appropriate for this location.

16.4 No objections have been raised with regard to the impact on neighbouring dwellings.

16.5 The Highways Authority have no objection towards the proposal subject to conditions with any grant of permission, the parking on the site is acceptable.

16.6 The Lead Local Flood Authority (SuDS) have not responded towards the proposal.

16.7 No objections have been raised by Environmental Health.

16.8 Sufficient ecological information has been supplied with the application for determination and would comply with Uttlesford Local Plan Policy GEN7.

16.9 The proposals would be constructed to Part M4(2) standards.

16.10 No landscaping objections have been raised.

16.11 On balance, when the proposal is weighed against the public benefits provided, the tilted balance would not be engaged. The proposal would not secure optimum use of the land with regard to the business and residential units.

17. REASONS FOR REFUSAL

17.1 By way of inappropriate design, scale, mass, density, form, height, it is considered that the proposal would cause harm to the character and appearance of the site and the surrounding countryside and thus 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)