

Felsted Parish Council response to UTT/23/2810/PINS | Consultation on S62A/2023/0028 Outline application for construction of up to 50 dwellings (Use Class C3) and associated access and bus stops with all matters reserved apart from access | Land To West Of Chelmsford Road Hartford End Felsted Essex

Felsted Parish Council (FPC) objects to this application as it is in conflict with the Uttlesford District Council (UDC) Local Plan 2005, the fully “Made” Felsted Neighbourhood Plan (FNP) and it is not in a sustainable location.

The application appears to rely on a challenge to UDC’s own assessment of their 5 Year Housing Land Supply (YHLS), claiming that an independent assessment concludes that it is below 5 years and that consequently, paragraph 11 of the NPPF should not be engaged and the fully “Made” Felsted Neighbourhood Plan be dismissed as irrelevant. Felsted Parish Council question the applicants claim that the proposed development is “sustainable” or that UDC’s stated 5 YHLS is inaccurate.

Should evidence indicate that UDC are unable to demonstrate a 5 YHLS, the newly published (December 2023) iteration of the National Planning Policy Framework under paragraph 14 a, now identifies an elevation of Neighbourhood Plans that became part of the development plan five years or less before the date on which the decision is made. Therefore, as the FNP which was fully Made on 25th February 2020 and included support for 63 dwellings towards UDC’s 5 YHLS, the FNP must be recognised and the application should be refused as it is in conflict with Policies in the FNP (as detailed below).

In addition, Felsted Parish Council does not believe that a Section 62a planning application is an appropriate mechanism for raising such a challenge and if the applicant believes there are grounds to contest UDC’s published data, this should be raised directly with UDC Planning. Neither a PINS Inspector nor delegated Planning Officer dealing with an individual planning application are in a position to make such a judgement which could have resounding repercussions on many current and previously declared decisions (since UDC’s 9th October 2023 issued statement).

UDC’s latest publicly available published data (Housing Trajectory and 5 Year Housing Land Supply (HLS) for the period the period 2023/24 to 2027/28 (Status at 1 April 2023), published 9th October 2023, states that the HLS is 5.14 years and the measured housing delivery rate over the previous three years was 99%. Whilst the FNP is over two years old and it therefore loses the elevated status provided by paragraph 14a of the NPPF, it does not suddenly cease to exist, especially when there is formal acknowledgement that it is currently undergoing an “update” review and it remains the most up to date component of the Statutory Local Development Plan which was supported by over 92% of voting local residents. NPPF paragraph 14 should therefore be engaged and in addition to conflicting with UDC and NPPF Policies, this application should be refused due to conflict with the following Policies of the fully “Made” Felsted Neighbourhood Plan (FNP).

- HN5 (building outside of VDLs)
- ICH4 (avoiding coalescence of the old brewery development with the rest of Hartford End)
- CW1 (damage to the landscape of the countryside and its area)
- ICH1 (High Quality Design)

The applicant is noticeably selective in their references to the FNP. They happily choose to quote the FNP where they perceive an advantage and then endeavour to discredit and undermine the Plan where it presents a genuine challenge to their singular objective.

Firstly, in their Design and Access Statement they dedicate a full page (page 13) to the Felsted Neighbourhood Plan quoting numerous positive policies or objectives of the FNP which they see as being to their advantage. Then in their Planning Statement, they make every effort to dismiss and undermine the FNP as irrelevant. Central to this dismissal of the FNP is their challenge to UDC's 5 Year Housing Land Supply (5 YHLS) claiming that UDC cannot demonstrate a 5 YHLS and that therefore the "presumption in favour of sustainable development" (in paragraph 11 d) of the NPPF should be triggered.

We would add that regardless of UDC's 5 YHLS, the applicant appears conveniently to disregard numerous sound (non FNP) reasons why this proposed development is inappropriate and should be refused against perfectly robust and defensible UDC and NPPF Policies. Even if UDC were unable to demonstrate in excess of a 5 YHLS (which published data says it can) the proposal fails to respect the relevance of the historical setting of the iconic former brewery and the countryside location of both the Victorian Brewery and nearby Hillside and The Brewers House. Heritage and local character are not simply about individual listed buildings, but are about the historical setting that shaped the community and any change to the historic fabric and the wider setting of the former brewery sitting, as it does, next to the river in the Chelmer Valley and the associated dwellings including Hillside House and The Brewers House will be irreversible.

We would also question the claim that this is a "sustainable" location for such a large development. Hartford End has not a single public facility to support such a large a community and increased settlement size. There are no shops or public facilities such as a hall of any type or leisure facility such as a pub or restaurant etc. within safe walking distance. The applicant makes a significant claim that there is a passing bus service (route number 16) and even claims this is a "two hour" service when in fact; there are only four buses a day in each direction (with the last bus leaving Chelmsford at 17.57). This can hardly be considered an adequate service to support the sustainability and everyday movements of perhaps in excess of 250 people.

Even if the allegation of UDC's 5 YHLS being incorrect were to be justified, the NPPF does not sanction a lack of a 5 YHLS as being justification for poor or inappropriate planning decisions.

In their Planning Statement (3.8 Landscape and Visual Impact) they correctly quote FNP Policy FEL/CW1 which *"requires proposals to 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"*.

But then in response, they state *"a Landscape and Visual Assessment (Dated 24.09.2023, produced by Steve Plumb Associates) has been submitted. Overall, it is considered that the site has a high landscape quality and is in a relatively good condition"*. This is nothing more than an unsubstantiated, subjective comment and Felsted Parish Council completely dismisses such a biased

and ambiguous comment, which if it is intended to suggest that the proposal would have little visual impact, is completely at odds with previous Planning Officers and Appeal Inspectors conclusions.

The visual impact when approaching the Hartford End Brewery on the elevated B1417 from the Chelmsford direction where the historical old Brewery building, central to this area of the Chelmer Valley, sits in a natural setting adjacent to the river encircled by open fields would be replaced by a backdrop of up to 50 house roofs. Coupled with this will be the loss of the verdant green hedge lined space along the road frontage at this rural location which separates Hillside from Hop House (the first house of Ridley Green) and former brewery to the south resulting in an undesirable coalescence and consolidation of urbanised built form between what are currently two distinctly identifiable building groupings.

The added introduction of proposed pavements linking Ridley Green to new bus stops, particularly to service the southern stop which will require a significant revision to the verge and bank opposite Hillside would further add to the undesirable, unattractive suburbanisation of the area. It is also the case that drivers will have limited visibility of buses stopped at this new southern direction bus stop, due to the curvature and brow of the road.

The housing benefits of the proposed development, when weighed against the adverse impacts assessed against UDC policies, FNP Policies and the NPPF Framework taken as a whole, are considered insufficient to outweigh the significant and demonstrable harm which would be caused to the countryside at this rural location.

UDC Policy S7 says that in the countryside, planning permission will only be given for development that needs to take place there or is appropriate to a rural area. The proposed development is clearly contrary to this element of the policy. In addition, the second element of the policy sets out that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set.

The proposal would result in new development intruding into the countryside and it would also significantly alter the historic form of the settlement. Hartford End is a rural settlement made up of distinct parts and characterised by segregation between the historic houses related to the old Brewery (Hillside and The Brewers House) and the loose knit linear development along the road leading away from the original Brewery.

It is noted that in their Planning Statement, the applicant claims (in 3.3 Affordable Housing, Accessible Homes and Housing Mix) that the proposed housing mix is consistent to FNP Policy FEL/HN7 but as it was informed by Uttlesford Housing Strategy 2021 – 2026 (Published in October 2021), it cannot be claimed to be directly consistent with FNP Policy FEL/HN7 which states that *“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”*.

Whilst the Uttlesford Housing Strategy 2021 – 2026 can reasonably be considered an appropriate District wide measure of housing need it cannot be considered comparable to a specific Felsted Parish “Housing Needs Survey”. As the Felsted Neighbourhood Plan is currently being reviewed and update (see UDC statement <https://www.uttlesford.gov.uk/article/8927/Felsted-Neighbourhood-Plan-review>) commencing in October 2023 and Felsted Parish Council have already commissioned (in October 2023) the Rural Community Council of Essex (RCCE) to undertake a new Housing Needs Survey, which is due to be undertaken in early 2024 there is no current evidence to confirm that the proposed housing mix is consistent with an as yet, unidentified but pre-planned genuine local housing need assessment.

The fact that the Felsted community unilaterally undertook a Neighbourhood Plan (fully “Made” on 25th February 2020) which supported and contributed 63 dwellings to UDC’s 5 YHLS and is currently reviewing that Plan which will include a pre-planned up to date Housing Needs Survey, this demonstrates that Felsted is able to determine the most appropriate and sustainable housing requirements for the Parish and our community. It is therefore not acceptable for a developer, motivated by financial gain to dictate future housing provision in what the Parish Council considers to be an “unsustainable” location.

Adding these 50 dwellings to the 214 that UDC confirm have already received approval in Felsted since April 2021 to the existing 1305 dwellings means an increase of over 20% dwellings in our Parish in fewer than three years, placing an unacceptable burden on local infrastructure (schools / health facilities, roads etc.) which is unsustainable.

Within the 214 dwellings already approved there are 35 affordable homes yet to be built. In addition, on completion of the planned Local Housing Needs Survey the Felsted Neighbourhood Plan Steering Group intends to facilitate suitable housing in a sustainable location which will meet a genuine identified local need.

Felsted Parish Council did not oppose the original application for conversion of the old Brewery as it was at that time, considered to be a “brown field site” and to protect the iconic Brewery building’s long term survival it needed to be found a new sustainable purpose. This application however, is for development on a green field site outside village development limits and there is no justification for such a significant extension of the existing settlement. This land is also classified as “Good” within the Best and Most Versatile (BMV) Land classification, development of which would be contrary to UDC Policy EMV5 (Protection of Agricultural Land).

Felsted Parish Council has canvassed the local community and has found that the vast majority of residents have had no choice but to sign a 'no objection clause' so they are unable to object to this. The Parish Council represents these people by objecting to this development.

For the many reasons stated Felsted Parish Council calls upon the Inspector to refuse this application.