

**Committee:** Planning

**Agenda Item 6**

**Date:** 4 June 2025

**Title:** UTT/25/1276/DOV; Land West of Bury Farm,  
Station Road, FELSTED

**Request for deed of variation to section 106  
agreement dated 25th March 2021 relating  
to UTT/18/2508/OP- regarding health care  
provisions**

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Management & Enforcement

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## Summary

1. Planning Committee on 20 May 2020; considered planning application reference UTT/18/2508/OP for the following

**Outline application with all matters reserved, with the exception of access, for a mixed-use development comprising a Doctors Surgery and a residential development of up to 38 new dwellings, new accesses, parking provision, landscaping and associated development.**

2. Members resolved to approve planning permission subject to conditions and a Section 106 Obligation covering the following the following matters.
  - Delivery of a Doctor's Surgery
  - Provision of on-site affordable housing equivalent of 5 on plot units (on commuted sum)
  - Provision of buffer zone/public open space
  - Contributions to early Years and Childcare & Primary Education
  - SUDs maintenance.
  - Bus stop infrastructure and connecting footpath to footpath No.55 (Felsted).
3. Planning permission was granted on 21 March 2021 alongside the agreed Section 106 Obligation. Detailed planning permission was approved for the whole development including the surgery under reference UTT/22/1078/DFO on 7 September 2022.
4. Works have commenced on site. A successful lease has been secured via the Hertfordshire & West Essex ICB for a doctor's practice to take over the surgery once built. A S73 application UTT/24/1855/FUL, was approved by Committee on 16 October 2024, to vary the surgery to be to the practice's specification. The approved specification provides the required accommodation specified within the Section 106 Obligation. The build cost for

the development based upon the specification exceeds the Health Centre Sum (including the respective index linking). The delivery of the surgery would be £434,282 over the Health Centre Sum.

5. The developer, supported by the Felsted Community Land Trust and Felsted Parish Council have requested that in order to fund the shortfall of the cost of the surgery that the scheme removes the affordable housing from the scheme and allow these to be market dwellings. The developer has submitted a Deed of Variation request to change the affordable housing units to market dwellings.
  
6. The site is allocated through Policy FEL/HN3 of the Felsted Neighbourhood Plan 2018. The land was allocated for housing development of approximately 39 Units and for the development of a doctor's surgery. Paragraph 5.4.45 of the Neighbourhood Plan is very clear on the potential of the provision of affordable housing on the site. It does state that "*Affordable housing contributions through a planning obligation will need to take of the effect on the viability of the development scheme including its requirement to facilitate the delivery of the GP surgery*".
  
7. Planning application for this development was submitted prior to the formal making of the Neighbourhood Plan, and at the time of its determination the plan only had moderate weight. The application was also submitted without any compelling viability assessment. As such the development was approved with a policy compliant 40% affordable housing provision.
  
8. The Neighbourhood Plan now has full weight. The evidence provided also has demonstrated that the inclusion of the 5 affordable housing units, does provide a significant shortfall in funding for the doctor's surgery. It is considered that the change of the affordable housing to market dwellings will revert the site to a Neighbourhood Plan compliant scheme. The proposed variation is supported by both Felsted Parish Council and Felsted Community Land Trust. The variation will secure the provision of the surgery which is a fundamental key element of the Neighbourhood Plan.

It is recommended that the Deed of Variation request be **APPROVED** and the Section 106 be varied to change the affordable housing units to market dwellings.

## **Background Papers**

Minutes and decision of the Planning Committee 20 May 2020 (Appendix 1)

## Impact

1.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	Felsted & Stebbing
Workforce/Workplace	None

## Risk Analysis

1.

Risk	Likelihood	Impact	Mitigating actions
▪ 1	1	1	▪

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.