

## FELSTED PARISH COUNCIL

### Minutes of the Planning Meeting held on Tuesday 16 February 2021 electronically 6 pm

Attending: Councillors Andy Bennett (Chairman), Alec Fox, Richard Freeman, Penny Learmonth and Roy Ramm. Councillor Graham Harvey entered the meeting during item UTT/21/0447/HHF. In attendance Clare Schorah - Assistant Clerk

#### 1. Apologies for Absence

There were no apologies for absence.

#### 2. Declarations of Interest

The Planning Committee declared an interest on Behalf of the Council for the application UTT/21/0044/FUL (Holy Cross Church, Braintree Road) because Felsted Parish Council is the applicant.

#### 3. Public Forum

There were five members of the public present.

#### 4. Approval of Minutes of Previous Meeting

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

#### 5. New Applications to be considered

[UTT/20/3368/OP](#)

##### **Land Between Hop House & Hillside Hartford**

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

*Comment: Felsted Parish Council object to this application for the reasons stated below.*

*This proposal is associated with a separate application for an additional dwelling submitted under UTT/20/3323/OP for which the Parish Council has also submitted an objection.*

*The “illustrative layout” submitted with the application shows not only the proposed four new dwellings but an additional house situated between The Brewers House and Hillside, mentioned above. Each application is of course considered individually and therefore Felsted Parish Councils objection is specific to this application, but it is also relevant that the cumulative impact of the two separate applications is taken into consideration.*

*The combined effect of these four dwellings and the additional house located between Hillside and the old Brewery will result in the total loss of an important green space separating the old brewery site and the property known as Hillside, resulting in an unacceptable linear “suburbanisation” of this part of Hartford End. This is against policy ICH4 of the Made Felsted Neighbourhood Plan (FNP), covering the avoidance of coalescence of the contained old brewery development with the rest of Hartford End.*

*The current feeling one gets when driving through Hartford End is of a former industrial site showing relics of its Victorian past but, importantly, located in an attractive river valley and in open countryside. The former brewery is separated from the other dwellings in Hartford End which are themselves, of varying periods and styles in a scattered layout punctuated by green spaces. To allow the creation of a long unbroken line of housing along the full length of the road absorbing both Hillside and The Brewers House will irreversibly harm the historic open character of Hartford End, and it would be contrary to policy ICH1, Impact to Heritage Assets, of the Made FNP.*

*The unacceptable impact on the countryside from this development would be contrary to UDC Policy S7 of the Uttlesford Local Plan and policy HN5, development outside of VDLs and policy CW1 for damage to the landscape of the countryside and its area, of the FNP.*

*There are other issues which also require consideration with regards to sustainability. The Parish Council are becoming increasingly concerned about the cumulative impact on the infrastructure of Felsted including, but not restricted to, the Primary school in Felsted. Felsted has had around 150 new houses (excluding replacements) approved by UDC or on Appeal in the past 2 years, add 63 supported in the FNP and that's well over 200 new dwellings.*

*Where are the approximate 60 additional Primary Pupils going to go to school and what is the sustainability argument for bussing or driving an additional 40 Secondary School children to either Great Dunmow or Braintree?*

*Sustainability should not be confined to things like vehicular use, pedestrian access and bus routes etc. but should include unacceptable pressure on local infrastructure, schools etc. The Essex County Council - Local and Neighbourhood - Planners' Guide to School Organisation (PGSO) dated January 2018 (minor revisions May 2020), suggests a factor of 0.3 Primary child places and 0.2 Secondary places per new house. The children have be schooled somewhere!*

*In addition to the sustainability issues the proposed development would be contrary to policy HN7, housing mix, which specifically identifies the need for affordable housing. Whereas this application offers only executive houses.*

*The development of the old brewery was a carefully considered exercise and, as far as is possible when delivering something like 25 new dwellings, not only was a substantial proportion of the original Victorian brewery building retained, but development included replacing and extending part of it in a sympathetic style. The result was a successful and sensitive adaptation of the brewery and its site, whilst maintaining separation from the existing housing within Hartford End. Therefore to allow this infill development would be wrong and against UDC's development plan and a dangerous precedent for further development.*

*In their Planning and Transport Statement the applicant makes numerous references to the FNP, and fully recognising that this application conflicts with the FNP in several areas. Specifically, under point 26, it is recognised that the application fails against policy HN5. The application counters with the lack of a 3 year land supply as the sole reason for HN5 not Applying, and for paragraph 11 of the NPPF being engaged.*

*Unfortunately, they quote an out of date 2019 - 3 Year HLS figure of 2.68. UDC confirmed in their Housing Trajectory and 5 Year Housing Land Supply (HLS) for the period 2019/20 to 2023/24 (January 2021) that they have in excess of a 3 year HLS.*

*Consequently, paragraph 14 of the NPPF applies and the FNP which is less than 1 year old must be recognised as not only a fundamental component of the ULP but as an important part of the statutory local development plan, carrying substantial weight.*

*It should also be noted that in addition to UDC being able to demonstrate a 3.11 Year HLS, the Housing Delivery Test (HDT) measured in 2020, indicates that there has been 124% of the required delivery in the last three years.*

*The Parish Council would also like to raise the Appeal Decision for UTT/19/2994/OP (Land To Rear Of Jolly Boys Lane South And Causeway End Road) an application for 5 houses which was refused on a number of grounds including harm to the area. At the time of that decision there was a lack of 3 years HLS, yet the Inspector still refused the application. This reinforces the position that a lack of 3 or 5 year housing supply is not sufficient to justify*

*inappropriate building in the countryside.*

***In summary:***

*This application fails against policy S7 of the Uttlesford Local Plan as there is no identified or proven need to build in the Countryside.*

*The application acknowledges its complete failure to comply with key requirements of the FNP but attempts to mitigate this through a claimed lack of 3 year HLS.*

*However, this is out of date. Now that UDC are able to demonstrate a 3 year HLS the Made Felsted Neighbourhood Plan is the principal planning document.*

*We have demonstrated that this application fails against key policies of the FNP, namely:*

- HN5, building outside of VDLs.*
- HN7, housing mix, offering only executive homes.*
- ICH4, avoiding coalescence of the contained old brewery development with the rest of Hartford End.*
- ICH1, Impact to Heritage Assets.*
- CW1, damage to the landscape of the countryside and its area.*

*Felsted Parish Council therefore strongly believes that this application should be refused.*

[UTT/21/0193/FUL](#)

***Land East Of Oaklea Causeway End Road***

*S73a retrospective application for new access. Proposed construction of 1 no. Dwelling and garage.*

*Comment: Felsted Parish Council strongly objects to this application for the many reasons detailed below.*

***Application - reference to Section 73a***

*This application for retrospective Section 73a permission appears to be an opportunistic attempt to circumvent the proper planning approval process.*

*Unauthorised work to undertake significant changes to the local watercourse network was undertaken on this land and in order to facilitate these unconsented works a temporary access was created also without any of the necessary approvals. These were not “emergency” works; therefore, there were no legitimate grounds to justify commencing work without first seeking appropriate approval.*

*The above actions demonstrate the applicant’s relaxed attitude to obtaining proper authorisation, which this retrospective application for a Section 73a consent bypassing the recognised planning process, reaffirms.*

*Following objections from Felsted Parish Council, the drainage works were subsequently granted consent and a Section 23 temporary approval for the unauthorised access under “ordinary watercourse consent” was given by Floods Essex as the Lead Local Flood Authority (LLFA), to facilitate completion of the work. Despite the watercourse works having now been completed, the LLFA has since twice agreed extensions to the temporary consent, apparently because the applicant had submitted planning applications. It is not clear why this was considered appropriate when the initial planning application had been refused by UDC and also dismissed on Appeal and especially when these refusals referenced road safety concerns associated with the access.*

*The applicant now seeks a grant of a retrospective Section 73a consent because they say that the temporary access installed to carry out drainage work represents “work already started” for what is a development completely unrelated to watercourse works.*

*Section 73a part 1 of the Town and Country Planning Act (TCPA) 1990 states that Planning Permission MAY be granted. The TCPA states that permission “may” be given, so any such*

decision is at the discretion of the Local Planning Authority (LPA). In this instance there can be absolutely no justification for allowing such a blatant attempt to by-pass proper planning procedures, especially where visibility at access in question has been clearly assessed as “inadequate” by ECC Highways (see below).

From the outset, the applicant has shown complete contempt for seeking permission for either the watercourse works or the new access and now seeks retrospective planning approval, knowing full well that UDC Planning, ECC Highways and even HM Planning Inspectorate have all concluded that visibility at the access is unacceptable.

If this S73a application were allowed, then we might as well abandon pretence of any form of proper planning control which critically in this case, would include disregarding identified road safety concerns.

Section 73a is not there to be used as an alternative; easy option, eliminating a need for gaining proper approvals or to be an underhanded means of circumnavigating not only the planning process but also to be used as a means of sidestepping road safety issues, when ECC Highways have recommended refusal.

### **Unconsented access and road safety**

In their Planning Design and Access Statement, at 6.03 the applicant says “The access to the site is acceptable given the speed of traffic and the splays that can be provided that meet the requirements”, referring to an “Access visibility and speed survey”. In section 3 it is confirmed that this survey was completed between March 7th and 13th 2020. Therefore, the data quoted which they submit as supporting evidence for this application is **exactly the same data** that ECC Highways have already reviewed and contested.

**ECC Highways do not agree** that “splays that can be provided that meet the requirements” as the applicant claims. Indeed ECC Highways assessment concludes the complete opposite. In 3.14 of their 32 page “Statement of Evidence” in response to the Appeal UTT/19/2994/OP - APP/C1570/W/20/3252134 dated 13th August 2020, ECC Highways say:

“The Highway Authority is not satisfied that appellant can achieve the indicated visibility splays within highway and/or land over which the appellant has control”.

**The applicant does not have ownership or control over the land on which the visibility splays rely.**

ECC Highways go on to say:

“The site has no authorised vehicular access to the Causeway End Road. It is noted that the appellant makes reference in 3.20 of the statement of case to the granting of temporary permission for an access. It is understood that this is for the culverting of the ditch (ordinary watercourse consent) and not an access. **The Highway Authority has not granted permission for an access in this location**”.

ECC Highways could not be clearer, confirming in their conclusion:

“Essex County Council as the Highway Authority has raised objection to the proposal as it considers that it would create a new access onto Causeway End Road **which is deficient in terms of visibility and does not accord with current highway design standards for a vehicular access**. Therefore, the development is contrary to:

a) the approved policies of Essex County Council’s Development Management Policies.

b) the approved policies of the Uttlesford District Adopted Local Plan.

c) NPPF paragraph 108 and in particular bullet point 2”.

So whilst the access has “temporary approval” under S23 consent, visibility splays are considered inadequate by ECC Highways and are unacceptable for a permanent access. This must apply equally whether for several dwellings or just one.

*The watercourse works for which the S23 approval was granted by Floods Essex are now complete and the temporary permission which has already been extended once was due to expire on January 30th 2021. Felsted Parish Council understand that a further extension has been approved by the LLFA because of this new planning application but it is unclear why this further extension has been considered appropriate when the watercourse works are apparently complete and ECC Highways have declared the access as “deficient in terms of visibility and does not accord with current highway design standards for a vehicular access”.*

*Note: ECC Highways comprehensive Statement of Evidence can be found at:*

*[https://publicaccess.uttlesford.gov.uk/online-applications/files/D348A156FBFB0D150A7183D1D4CC36EC/pdf/UTT\\_19\\_2994\\_OP-APPEAL\\_-\\_ECC\\_HIGHWAYS\\_-\\_3RD\\_PARTY\\_REPS-3460493.pdf](https://publicaccess.uttlesford.gov.uk/online-applications/files/D348A156FBFB0D150A7183D1D4CC36EC/pdf/UTT_19_2994_OP-APPEAL_-_ECC_HIGHWAYS_-_3RD_PARTY_REPS-3460493.pdf)*

*Safe access must be as critical for one dwelling as it is for more. There is the possibility, given the applicants various endeavours to manipulate the planning process, that should permission be given for an access for this single dwelling that, once approved, the applicant would simply use that approval to reapply for an increased number of dwellings on this site. In addition to the inadequate site access, the application fails to conform to several Planning Policies and contains a number of errors or anomalies, as detailed below.*

### ***Conflict with Planning Policies***

*This application conflicts with Planning Policies of the UDC Local Plan (ULP), the Felsted Neighbourhood Plan (FNP) and the National Planning Policy Framework (NPPF).*

#### ***UDC Local Plan (ULP) - Policy S7.***

*The ULP is extant, albeit 2005 but policy S7 is consistent with the NPPF, as both seek to protect and enhance the character of the countryside and Policy S7 is consistent with the Framework’s aims with regard to the countryside, such that it must be given substantial weight. The application site is outside the recognised Village Development Limit (VDL) and there is no “need for it to be there” as required by Policy S7.*

#### ***Felsted Neighbourhood Plan (FNP) Policy FEL/HN5***

*The application is in conflict with Policy FEL/HN5 (Residential Development outside Development Limits), which recognises that there will be occasions where certain development might be appropriate outside of Village Development Limits (VDL’s) and Policy FEL/HN5 defines acceptable sustainable development that meets such a criteria. The proposed development does not meet any of those criteria.*

*Policy FEL/HN5 includes that any development must be able to demonstrate safe and suitable access.*

*The full 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=637184188875530000](https://www.uttlesford.gov.uk/media/10141/Felsted-Neighbourhood-Plan-Made-25-February-2020/pdf/Felsted_NP_2018-2033-a.pdf?m=637184188875530000)*

*The Felsted Neighbourhood Plan was formally “Made” by UDC on February 25<sup>th</sup> 2020 becoming an integral component of the Uttlesford Local Plan.*

*The applicant, in their Statement of Case at 3.10, clearly recognise the conflict with policies in the Felsted Neighbourhood Plan, but dismiss the FNP as they say that UDC are unable to demonstrate a 3 year Housing Land Supply (HLS), quoting an out of date figure of 2.68 years HLS.*

*This is incorrect as UDC confirmed in their Housing Trajectory and 5 Year Housing Land Supply (HLS) for the period 2019/20 to 2023/24 (January 2021) that they have in excess of a 3 year HLS. Consequently, paragraph 14 of the NPPF applies and the FNP which is less than 1 year old must be recognised as a fundamental component of the ULP and a substantial material consideration.*

*UDC’s Housing Trajectory and 5 Year Housing Land Supply (HLS) can be found at:*

[https://www.uttlesford.gov.uk/media/10659/Housing-Trajectory-and-Five-Year-Land-Supply-1-April-2020-January-2021-/pdf/Housing\\_trajectory\\_5YLS\\_Statement\\_1\\_April\\_2020\\_\(Jan\\_2021\)\(A\)1.pdf?m=637473492369830000](https://www.uttlesford.gov.uk/media/10659/Housing-Trajectory-and-Five-Year-Land-Supply-1-April-2020-January-2021-/pdf/Housing_trajectory_5YLS_Statement_1_April_2020_(Jan_2021)(A)1.pdf?m=637473492369830000)

*It should be noted that in addition to UDC being able to demonstrate a 3.11 HLS, the Housing Delivery Test (HDT) measured in 2020, indicates that there has been 124% of the required delivery in the last three years.*

*The application should therefore be refused due to conflict with the FNP, in addition to the associated conflict with the NPPF (as the **Felsted NP meets the requirements of paragraph 14 a, b, c and d**) and conflict with the ULP and ECC Highways recommendation for refusal.*

### **Other anomalies with the Planning Application**

*There are significant contradictions and anomalies in the Application for Planning Permission.*

### **Watercourse.**

*In answer to question 11 relating to flood risk which asks “Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?” the applicant answers no!*

*The alleged “work started”, that is the supposed justification for applying for a S73a, is unconsented installation of a temporary access across part of a significant watercourse which runs through the entire site, and which is part of the wider local watercourse network. The applicant, gained temporary S23 approval (already extended once by Floods Essex as the Lead Local Flood Authority), in order to undertake these watercourse works. The supposed reason for installing the access was to carry out these (originally unconsented) watercourse works.*

*So with the applicants constant dependency on a grant of temporary access from Floods Essex, how can they justify answering “no” when asked “is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)”?*

### **Incorrect site address.**

*The “Application for Planning Permission” form clearly states that the “Property Name” is Oaklea.*

*This is incorrect as the application site is actually land adjacent to Oaklea. Whilst some text references refer to the site being “adjacent” to or “east of” Oaklea, critically, it is the incorrect property of Oaklea itself that is the **source location** within the UDC planning portal of any search against “Property History” or “Related Cases”. Consequently, results refer not to the correct site but to the history of the “unconnected” neighbouring bungalow named Oaklea.*

*Whether this is a genuine error or an attempt to mislead it is not possible to say but it becomes critical should ECC Highways be unaware of this “error” and undertakes only a “desktop” assessment. Oaklea already has an existing access and ECC Highways may be misled that this is actually a reapplication for a completely new access on a different site for which they have previously recommended refusal because of inadequate visibility splays.*

### **Summary**

*Section 73a does not apply as works undertaken to date were not for this development but for completely unrelated watercourse work under a temporary S23 (ordinary watercourse consent) granted by the LLFA.*

*Section 73a part 1 of the TCPA states that the LPA “MAY” grant permission where appropriate. There are numerous reasons (as stated above) why this is NOT appropriate.*

*The Planning Design and Access Statement claiming the access is acceptable, relies on the same data that was contested by ECC Highways (in their response dated 13th August 2020, to application UTT/19/2994/OP). ECC Highways conclude that the applicant does not have ownership or control over the land on which the visibility splays rely.*

*Contrary to the applicants Statement of Case, at 5.05 that the Felsted NP does not afford the “added protection of Paragraph 14” (of the NPPF) because UDC is unable to demonstrate a 3 YHLS. UDC are able to demonstrate a 3.11 YHLS and the Felsted NP meets all of the Para 14 of the NPPF. The FNP therefore forms part of the statutory development plan, carries substantial weight and the application should be refused.*

*The proposed development is outside of the Felsted VDL, in conflict with FEL/HN5 of the FNP.*

*The application conflicts with Policy S7 of the ULP.*

*There can be no “presumption in favour of sustainable development” as the addition of a single dwelling does not significantly and demonstrably outweigh the adverse impacts of conflict with up to date Planning Policies and cannot possibly outweigh an explicit and qualified recommended refusal by the Highways Authority.*

[UTT/20/3294/LB](#)

#### **Taylors Chelmsford Road**

Remedial works relating to dampness and timber infestation

*Comment: The Parish Council positively supports this application and recognises the important work necessary to preserve a listed building.*

[UTT/21/0044/FUL](#)

#### **Holy Cross Church Braintree Road**

Removal of remnants of existing front boundary wall and hedge and erection of red brick wall topped with metal railings

*Comment: In acknowledging that this application is made by Felsted Parish Council, the Planning Committee supports this application.*

[UTT/21/0375/FUL](#)

#### **Tinsley House Bartholomew Green Road**

Proposed field machinery store, garage, workshop, annexe and private domestic use only equestrian arena

*Comment: Felsted Parish Council does not object to this application, but is concerned about the bulk of the proposed development in comparison to the house, and in relation to the stables and the house extension that were approved in 2018. The Parish Council recognises that the building includes an annexe and should the application be approved would like to ensure that this is restricted from ever becoming a separate dwelling.*

[UTT/21/0358/HHF](#)

#### **1 Ravens Crescent**

Erection of detached garage

*Comment: Felsted Parish Council object to this proposed development. It would bring the build form forward to the roadside against the current street scene in a highly visible location and so will have a negative impact upon the outlook of the green heart of this hamlet.*

[UTT/21/0447/HHF](#)

#### **Maranello Watch House Green**

Proposed single storey rear extension (amendments to previously approved application UTT/20/2195/HHF)

*No Comment*

[UTT/21/0202/CLP](#)

**11 Bannister Green Villas Bannister Green**

Use of land for stationing of a mobile home for use ancillary to the main dwelling.

*Not open for comment*

**6. Decisions received from Uttlesford DC since 15 December**

[UTT/20/2015/LB](#)

**Mill House Mill Road**

Like-for-like replacement of the pedestrian footbridge within the curtilage of the Mill House.

**Permission Granted 19<sup>th</sup> January 2021**

*Councillor Harvey provided an update on this decision. The Council fully support the idea of a new bridge but want to see an improvement on the current bridge and Councillor Harvey will be highlighting this issue to the media.*

[UTT/20/3137/LB](#) / [UTT/20/3136/HHF](#)

**The Taverners Crix Green Crix Green Road**

Demolition of existing cartlodge, proposed Garage Conversion, erection of new car port and link extension between garage and cartlodge

**Permission Refused 26<sup>th</sup> January** *'it would fail to preserve the special architectural or historic interest of the listed building at The Taverners, and cause less than substantial harm to the fabric and character of the listed building...it would be harmful to the fabric and setting of the listed building.'*

[UTT/20/2846/HHF](#)

**5 The Copse Bannister Green**

Single storey rear extension

**Permission Granted 3<sup>rd</sup> February 2021**

[UTT/20/3196/FUL](#)

**Mill House Mill Lane Hartford End**

Proposed demolition of 2 no. barns and erection of 1 no. Estate manager's cottage and cart lodge.

**Permission Refused 12<sup>th</sup> February 2021** *'it would, by virtue of its design and appearance, cause significant harm to the character and appearance of the historic agrarian setting, and would fail to be compatible with the surrounding buildings.'*

**7. Appeals Updates**

[UTT/19/3091/FUL](#)

**Appeal ref: APP/C1570/W/20/3263184**

**Land to the West of Chelmsford Road Felsted Essex**

Change of use of land to use as a residential caravan site for 5 gypsy families, each with two caravans including laying of hardstanding, erection of 3 utility buildings and construction of access.

*Councillor Freeman will update the draft comment to this appeal in light of communication from UDC Planning Department*

[UTT/18/3424/OP](#)

**Land East Of Station Road**

**Appeal ref APP/C1570/W/19/3226302**

Outline planning application for the erection of up to 240 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Station Road. All matters reserved except for means of access

**Appeal Dismissed 3<sup>rd</sup> February 2021**

**8. Stansted Expansion Appeal**

No Comment



## 9. Draft Local Plan -Uttlesford DC

The Assistant Clerk has responded to the following consultation topics in the Local Plan Consultation:

- Where I live
- Character and Heritage
- Climate Change
- Transport
- Healthy Lifestyles
- Biodiversity

Councillor Bennett attended the Local Plan Parish Council consultation event which was held online on the 3<sup>rd</sup> February 2021 and gave an update on this event.

### **Draft Local Plan Braintree DC**

*No Comment*

## 10. Other Urgent Planning Business and Future Dates

The Committee looked at the Public Notice relating to a proposal by Felsted School to install a Zebra Crossing in Stebbing Road. This is combined with a formalising of 30MPH speed limits in Stebbing Road, Chantry Court, Players Court, Garnetts Lane, Chestnut Walk, Chaffix and Chaffix Close. The Committee believes that this proposal is in the correct place and recognises that it aligns with the Neighbourhood Plan, and as such they strongly support it.

The next meeting scheduled for Tuesday 16<sup>th</sup> March at 6pm

..... Chairman

16 March 2021

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>