

FELSTED PARISH COUNCIL

Minutes of the Planning Meeting held on Tuesday 19 January 2021 electronically 6 pm

Attending: Councillors Andy Bennett (Chairman), Alec Fox, Richard Freeman, Penny Learmonth and Roy Ramm. In attendance Clare Schorah - Assistant Clerk

1. Apologies for Absence

Apologies were received from Cllr Graham Harvey

2. Declarations of Interest

There were no declarations of interest

3. Public Forum

There were seven members of the public present.

4. Approval of Minutes of previous Meeting

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

5. New Applications to be considered

[UTT/20/2895/FUL](#)

Land At Milch Hill Willows Green Main Road

Construction of 1 no. dwelling and associated development including upgrading the access.

Comment: The Parish Council objects to this development. This is an application for a dwelling outside VDL in the countryside on land currently used for grazing and which suffers from significant flooding for large parts of the year. The applicant has not demonstrated any need for this dwelling to be in this location against policy H7 of the 2005 Local Plan. It is also contrary to policy HN5 in the Felsted Neighbourhood Plan for allowable building in the countryside. It is against policy CW1 for damage to landscape and countryside character, and it also fails against policy ICH1 about high quality design where it impacts listed buildings.

It is close to two listed buildings and The Council agrees with Place Services that the impact of this potential development on these listed buildings and the general setting in the area will be negative.

The addition of one dwelling does not make any significant contribution to the lack of the 5/3 year land supply and is not justification enough for approving an unsustainable development.

Addendum: 'Felsted Parish Council understands that UDC is now able to demonstrate a 3 year HLS. As such, the Made Felsted Neighbourhood Plan is now the principal planning document. As detailed in our previous submission, this application, even when considered for the single dwelling, fails across many policies of the Made Felsted Neighbourhood Plan and as such must be refused.'

[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.

No Comment

[UTT/20/3323/OP](#)

Land Between Hillside & Brewers House Hartford End

Outline application with all matters reserved except access for the erection of 1 no. detached dwelling

Comment: Whilst "The Brewers House" and "Hillside" are not listed buildings, they both contribute considerably to the historic character and evolution of Hartford End and to the history of the brewery.

The Brewers House, in particular, has a clear association to Hartford End Brewery and remains a Victorian vestige of the Brewery site. It is a house of merit and both the house and its setting deserve to be respected.

This proposed new dwelling is in the countryside, is outside VDL and is against policy HN5 of the Made Neighbourhood Plan for allowable building in the countryside and policy CW1 for damage to the landscape of the countryside and its area.

The position of The Brewers House, sited some way from the brewery, demonstrates that the chief Brewer was undoubtedly a man of importance and it was deemed appropriate for his home to be detached and separate from the many other workers cottages that were located within the boundary of the brewery site.

The "illustrative layout" submitted with the application shows not only a proposed new dwelling between The Brewers House and Hillside but also shows an additional four houses which it states are subject of a separate outline planning application.

We must consider the individual application on its own merits; this includes assessing any "harm" that might result. Approval of this so-called infill application would result in the loss of the historic setting of The Brewers House, decisively separate from the brewery to undoubtedly reflect the prominence of the chief brewer's status.

If we add to this the forthcoming application for a further four dwellings located between Hillside and the old Brewery coming forward, then we have the loss of an important green separation between the old brewery site and Hillside which will result in an unacceptable linear "suburbanisation" of this part of Hartford End, compounding the harmful effect of the single application before us.

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. Allowing an important and relevant building such as The Brewers House to be simply absorbed into a long unbroken line of housing will irreversibly harm the historic open character of Hartford End.

Whilst we recognise that this is an application for one dwelling it is labelled as plot 5 on the applicant's submission, the other four of which are being noted as a separate application. The precedent set by approving this one on the developer's intentions are

clear. Even just this one dwelling will individually contribute substantially to the loss of The Brewery House's setting.

Whether we are talking about one or five dwellings there is a continued cumulative impact on the Primary school in Felsted. Felsted has had around 150 new houses (excluding replacements) approved by UDC and on Appeal in the past 2 years. Add 63 supported in the NP and that's well over 200 new dwellings.

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.

So 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?

It is also relevant to note that not only is our School already full, but the ECC PGSO recommends that a school has around 5% of capacity remaining unfilled to accommodate mid-year admissions and facilitate parental choice. The PGSO includes "It is the developments that are too large to be accommodated within existing schools and too small to deliver new ones that present the most significant challenge", and also suggests "Any sites where it will not be viable for developers to mitigate their impact on education through appropriate education contributions (as set out in the Essex County Council Developers' Guide to Infrastructure Contributions) should not be allocated".

However, it is not enough to simply resolve that an S 106 financial contribution will be required to "mitigate their impact on education through appropriate education contributions". That does not address either the lack of available local school places or the unsustainability of bussing/driving children long distances. It is the cumulative effect on our infrastructure (particularly our Primary School) which is wholly unacceptable.

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 retained a substantial proportion of the original Victorian brewery building, but 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, maintaining separation from the existing housing within Hartford End. The houses towards Felsted village comprise a wide variety of ages and individual styles ranging from medieval cottages to terraces of Victorian brick built homes, importantly, there are frequently green open spaces between them.

Therefore to allow this infill development would be wrong and against UDC's development plan and a dangerous precedent for further development.

Addendum: 'Felsted Parish Council understands that UDC is now able to demonstrate a 3 year HLS. As such, the Made Felsted Neighbourhood Plan is now the principal planning document. As detailed in our previous submission, this application, even when considered for the single dwelling, fails across many policies of the Made Felsted Neighbourhood Plan and as such must be refused.'

[UTT/20/3405/LB](#) / [UTT/20/3404/HHF](#)

Buckcroft Braintree Road Felsted

Proposed demolition of existing conservatory and replacement with side extension (variations to earlier approved scheme) Proposed removal of flat roof dormer within roof space and replacement with monopitch lean to surfaced in slate. Minor alterations and proposed installation of screen enclosure incorporating pedestrian and pair of gates.

No Comment

[UTT/20/3140/HHF](#)

Foxtons Mole Hill Green

Two storey side and rear extensions and hipped roof to replace the existing gable roof

Date – 26th January

No Comment

[UTT/21/0102/HHF](#)

Gate Cottage Cock Green Cock Green Road

First floor bathroom extension and internal alterations.

No Comment

[UTT/21/0079/OP](#)

Land East Of Bannister Green Rayne Road

Outline application with all matters reserved except access and landscaping for the erection of 9 no. detached dwellings

Comment: The Parish Council objects to this application for the following reasons:

Previous application for this site

It is recognised that this site was the subject of a previous application for 2 houses, refused on 23rd Nov 2018. The reasons for refusal were clear and undisputed. This application for 9 houses only magnifies the encroachment into open countryside, the problems associated with this unsustainable location and UDC's reasons for refusal.

Made Felsted Neighbourhood Plan

The Felsted Neighbourhood Plan can be accessed at either:

<https://www.felstednp.org.uk/wp-content/uploads/Felsted-NP-Ref-version.pdf>

or:

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

The application makes no reference to the Made Felsted Neighbourhood Plan. This plan was developed with and is fully supported by UDC.

Felsted Parish Council understands that UDC is now able to demonstrate a 3 year HLS. As such, the Made Felsted Neighbourhood Plan is the principal planning document.

The Neighbourhood Plan identifies 63 new dwellings which deliver community infrastructure and local need. These 63 new dwellings are either the subject of planning approved or are in process planning applications. The Felsted Neighbourhood Plan is therefore delivering houses and, to maintain trust and support for the Neighbourhood Planning process, it is vital that Planning authorities support their delivery and refuse developments which fail to comply with the policies within the Neighbourhood Plans, as

is the case with this application. Over the last 18 months together with the houses supported in the Neighbourhood Plan there are a total of 187 additional dwellings already approved for the Parish. Apart from the continuous pressure put on the Parish infrastructure in general, the PC has specific and significant concerns about the increasing pressure on Felsted Primary School. When the Head last reported, he stated that the School was full in every year group apart from one. Using the ECC formula of 0.3 primary children per dwelling where are 62 additional primary school children expected to be schooled? There are certainly no spaces for any children living in this new proposal for 9 executive houses.

Developers when attempting devalue a NP, frequently refer to UDC's lack of a 5 year or even in recent times the lack of a 3 year HLS and quote NPPF paragraph's 11 and 14 (which obliges an LPA to have at least a three year supply of deliverable housing sites), but they do not consider paragraph 11 d ii., which states "unless.....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".

The Policies within the Felsted NP support certain development but resist inappropriate development, particularly in the green open countryside spaces between the hamlets and settlements, beyond the VDL's.

This application fails at all points to comply with the policies of the Made Felsted Neighbourhood Plan and on that fact alone must be refused.

The application for 9 executive dwellings is a cynical approach to maximise profit, in being just below the threshold of 10 dwellings where the provision of affordable housing would be required. The applicant seems to ignore the requirements of the NPPF Paragraph 11 b) i. & ii. There is no indication of any objectively assessed local need for 9 more "Executive" style homes. This is in contrast to the FNP which supports the delivery of the 1 & 2 bedroom homes and bungalows (Policy FEL/HN7), suitable for first time buyers and "downsizing" in addition to a number of "affordable" homes all of which were identified as lacking in the Parish, during extensive community consultation.

Even working on the previous HLS of under 3 years, this should not be justification for bad planning decisions which, once made, will permanently and irreversibly change the historical settlement pattern and character of this part of the Parish.

Indeed, there are many examples of recent Appeals in Uttlesford where Inspectors have dismissed Appeals whilst acknowledging the lack of UDC's 3 year HLS. Examples are;

The inspector decision for APP/C1570/W/20/3252134 - UTT/19/2994/OP - Land To Rear Of Jolly Boys Lane South And Causeway End Road, Felsted, recognised the lack of 5/3yrs supply but this was determined as not strong enough to warrant the building of houses in an unsustainable location and so the appeal was refused. The precedent has therefore been set that the lack of a 5/3yr housing supply does not in itself carry sufficient weight to justify approving a planning application.

Appeal No. 3236869 - Land Adjoining Lower Farm Cutlers Green – Thaxted. Summarising, the Inspector said; “The Council are currently unable to demonstrate a five-year housing land supply, with the shortfall being serious, at around 2.68”, and went on to say, “The proposed development would be contrary to the development plan...and for the reasons given, the appeal fails”.

Appeal No. 3235257 - Land at Bigods Lane - Gt. Dunmow. Summarising, the Inspector said; “I understand that the District currently has a 2.68 year housing land supply, which represents a significant shortfall.....however.....having identified conflict with saved Policy S7 of the Local Plan.....it fails to recognise the intrinsic character and beauty of the countryside”, adding “For the reasons set out, the appeal is dismissed”.

So Appeal Inspectors, fully aware of the 2.68 year Housing Land Supply, have dismissed Appeals for sound reasons in line with the NPPF.

Visual amenity

The irreversible impact on the rural visual amenity by the introduction of 9 dwellings in the corner of a highly visible agricultural area at the entrance to the Hamlet would be wholly inappropriate.

The application conflicts with numerous Policies of the NPPF, the UDC Local Plan and Policies FEL/HN5 and FEL/HN7 of the recently “Made” Felsted Neighbourhood Plan (FNP). The FNP supports certain development outside the VDL’s, but only where specific criteria are met. This application does not claim to meet any of these criteria to justify such damage to the visual amenity.

Application Planning support and transport statements

There are a number of statements within these documents which are highly misleading, including, but not limited to:

- *3.16 makes reference to the Local Road network and the A120 being 4.9km away. In reality this access is via a small country lane, single width in places and which floods on a regular basis. It does not offer a safe or reliable route to the A120.*
- *3.11 states that Braintree train station is only a 15 minute drive away. The reality is that crossing Braintree to reach the station is a recognised traffic congestion hot spot. It has reached the stage where drivers now prefer to travel through the centre of Braintree rather than risk using the bypass since it is always gridlocked, with delays of up to 1 hour. A 15 minute journey time may be possible in the middle of the night but anyone trying to reach the 1 train an hour into London would be wise to allow at least 45 minutes plus parking time.*
- *3.3: Felsted Primary School is actually already full as noted in the Neighbourhood Plan comment above. There are simply no primary school places.*
- *3.5: reference is made here to the existence of a ‘senior school 2km to the west’. This is actually a fee paying school, one of the most expensive in the UK. The closest state secondary schools are in Dunmow or Braintree, miles from the development*

- 5.5 states estimated traffic movements of 4 vehicles between 8 and 9am. This is a clear underestimate. Nine 4 bedroom houses are going to create many more trips to schools and work related departures in this period.

Visibility splays speed limits

The transport assessment states that the speed limit from the site changes from 30 to 40mph. This is wrong, it actually changes to 60mph and as such requires an updated assessment for visibility splay requirements and speed risk.

UDC Housing requirements

It has recently been reported by UDC that the housing requirement for Uttlesford has been reduced substantially, and reverted to the previous formula, with the actual requirement moderated from 740 dwellings pa to 706 dwellings pa (under the proposed consultation reforms, the requirement would have amounted to 1,232 dwellings pa, so a very significant improvement for the District). These figures are based on dated (2014) household projections, as currently provided for by the Rules, but even if later (2020) projections were to be used, the requirement would be moderated only to 670 dpa.

There is no requirement to build in unsustainable locations, especially where a Made Neighbourhood Plan exists and does not support the development.

In summary

- With UDC now able to demonstrate a 3 year HLS, the Made Felsted Neighbourhood Plan is the principle planning document and does not support this application. For that reason alone it must be refused.
- This development is an encroachment into open countryside, outside of the VDL.
- The site was the subject of a refused application in 2018. The reasons for which are magnified for this application for 9 dwellings.
- The applicant has not demonstrated why this development needs to take place in this unsustainable location.
- The application is not in accordance with national and local planning policies and we have demonstrated both UDC and Planning Inspectorate precedents for refusing applications of this nature despite the lack of a 5yr land supply
- The information supplied by the applicant regarding access to facilities is misleading and fails to recognise the reality of travelling times, school locality and space availability.
- Far from providing 'a logical rounding off of Bannister Green' (Planning support ref 4.3) this development will be a dangerous precedent for allowing building outside of a VDL, in a highly visible location at the entrance to a Hamlet, in open countryside on prime agricultural land, where it is difficult to believe the development will stop at 9 if given the go ahead.

If the officers are inclined to approve this application under delegated powers then we request that it be called in for full Committee review.

[UTT/21/0151/HHF](#)

3 Watch House Villas Braintree Road

Detached Double Garage to the front of the site

No Comment

[UTT/21/0128/HHF](#)

3 Watch House Villas Braintree Road

First floor front and side extension and two storey rear extension, and alterations to porch.

No Comment

6. Decisions received from Uttlesford DC since 15 December

[UTT/20/2696/HHF](#)

The Cottage Cock Green Road

Demolition of existing rear extension, front porch and detached garage. Erection of two storey front extension, bay window and two dormer windows, rear two storey/part single storey extension, new roof and fenestration alterations to elevations. New oil tank for heating and enclosure

Permission Granted 16th December 2020

[UTT/20/2767/HHF](#)

Farley House Braintree Road

Proposed vehicular access

Permission Granted 31st December 2020

[UTT/20/2014/FUL](#)

Mill House Mill Road

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

Application Withdrawn 4th January 2021

Action: Assistant Clerk to write to Uttlesford Planning department to find out why the associated listed building application has not been withdrawn.

[UTT/20/2914/HHF](#)

7 The Terrace Chelmsford Road

Proposed rear first floor extension to existing dwelling

Permission Granted 4th January 2021

[UTT/20/2988/HHF](#)

4 Bury Fields

Proposed two storey side extensions and single storey rear extension with associated landscaping works and building remodelling

Permission Granted 11th January 2021

[UTT/20/2972/LB](#)

The Barn Evelyn Road Willows Green

Replacement windows

Permission Granted 11th January 2021

[UTT/20/2912/HHF](#)

19 Cressages Close

Single storey extension to create an accessible shower room, en-suite to the ground floor bedroom.

Permission Granted 12th January 2021

7. Appeals Decisions since 15 December

[UTT/20/1970/HHF](#)

Drummonds Stevens Lane CM6 3NJ

Section 73A Retrospective application for single story rear extension

Appeal Allowed 23 December 2020

8. Appeals Update

[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.

Action: Assistant Clerk to send a copy of the draft submission response to the UDC planning officer to find out their opinion on the Statement of Common Ground.

9. Enforcement Update

The Assistant Clerk provided an enforcement update.

10. Stansted Expansion Appeal

The Chairman advised the Committee that the Stansted Expansion Appeal is underway.

11. UDC Draft Protocol for Community Involvement

The Assistant Clerk has responded to the UDC Draft Protocol for Community Involvement with the statement agreed in the December meeting.

12. UDC Statement of Community Involvement Consultation Response

The Parish Council responded by email to the first consultation:

“We would like to see a detailed consideration of introducing Community Infrastructure Levies (CILs) into the planning process.”

The Parish Council responded by email to the second consultation:

1. We fundamentally support the position of an improved engagement strategy.
2. It is important that the council is seen to address concerns and opinions raised by people in response to the consultation.
3. With nine themes, each theme being addressed by a separate consultation there is a massive risk of consultation fatigue with progressively fewer people responding to each question.”

13. Draft Local Plan – Uttlesford

The Assistant Clerk confirmed that the fourth consultation, which is about Transport had been responded to with the following comment: “To the first question in this process we have referred UDC to the amalgamation of our parishioner’s thoughts, beliefs and opinions in our Made Neighbourhood Plan, which was a major project spanning several

years. In answer to this subsequent question we once again refer UDC to our Neighbourhood Plan.” The Assistant Clerk will continue to respond to the consultations as they open up, with the agreed response.

The Chairman has been in contact with Councillor Evans about the role of the Neighbourhood Plan in the UDC Local Plan Call for Sites, and is waiting for a full response from the Policy Team.

14. Draft Local Plan – Braintree

No Comment.

15. Other Urgent Planning Business and Future Dates

Cllr Freeman voiced his concern about Uttlesford’s lack of 3 year housing land supply.

The next meeting will be held 16th February at 6pm electronically.

..... Chairman

19 January 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>