

FELSTED PARISH COUNCIL

Minutes of the Planning Committee Meeting Tuesday 15th June 2021 on-line at 6 pm

Attending: Councillors Richard Freeman (Chairman), Andy Bennett, Alec Fox, 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 three members of the public present.

4. Approval of Minutes of Previous Meeting

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

5. New Applications to be considered

[UTT/21/1526/HHF](#)

Taverners Barn Crix Green

Proposed installation of 2 no. external Air Source Heat Pump units to serve the existing dwelling and approved link extension, and the proposed new approved Cartlodge

No Comment

[UTT/21/1755/DFO](#)

Land To The South Of Braintree Road

Details following outline approval UTT/18/3529/OP (approved under appeal reference APP/C1570/W/19/3234739) for the erection of up to 30 no. Dwellings with associated roads and infrastructure - details of appearance, landscaping, layout and scale

Comment: Felsted Parish Council opposed this development and continues to believe that in conjunction with other unsupported but approved developments, it will have an unacceptable cumulative impact on our Parish, in conflict with the (now) Made Neighbourhood Plan (FNP) which supports an additional 63 dwellings towards UDC's 5 Year Housing Land Supply. It was also refused by UDC due to its conflict with the (then) emerging FNP but was subsequently allowed on Appeal.

Accepting that the development will take place, we have no specific comments to make regarding the details of appearance, landscaping, layout and scale.

However, we query whether there is an anomaly with the identification of a sycamore tree that will need to be felled. The diagram in the arboriculture report - appendix 6 shows a tree reference T6 but we believe the photograph in Figure 3 on page 10 identifies an incorrect T5 tree.

We would also request that as a condition of approval of this DFO application, all associated parking of construction workers vehicles and all deliveries are "on-site" and that no parking of construction site workers is permitted in the Parish owned car park that serves the parish playing field off Jollyboys Lane North or on the wide highways verge at the front of the site in Braintree Road.

There should also be no site access permitted via Jollyboys Lane North which is a single track road with no pavements or passing places serving as access to the parish playing field

and children's play area, sheltered and supported housing and independent living homes. Consequently this narrow and unpaved road is in constant use by elderly and infirm pedestrians, parents with pushchairs and young children.

[UTT/21/1714/LB](#)

Cobblestones Chelmsford Road

Repair to kitchen window, replacement of study and bathroom windows

No Comment

[UTT/21/1824/LB](#)

Stroods Stevens Lane

Repairs to roof and guttering

No Comment

[UTT/21/1897/FUL](#)

Bury Farm Bury Chase

Proposed erection of 1 no. Dwelling with associated garaging and landscaping.

Comment: Felsted Parish Council objects to this application.

The applicant makes frequent reference to NPPF and UDC's Local Plan which albeit 2005 is extant; however, they fail to reference the Fully Made Felsted Neighbourhood Plan (FNP) which is part of the statutory Uttlesford Local Plan (ULP), carrying substantial planning weight. This application conflicts with Policy FNP – FEL/HN5.

The application site is outside the recognised planning envelope and therefore conflicts with FNP – FEL/HN5 which supports certain criteria for development outside the planning limits, but this application does not meet any of those criteria.

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. Therefore, paragraph 14 of the NPPF applies and the FNP, which forms part of the ULP and is less than 2 years old, must be recognised as a fundamental and up to date component of the statutory ULP being a material consideration carrying substantial weight.

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

Felsted Parish Council has previously expressed concern over the ongoing development within Bury Farm which has grown out of proportion to the original farm. Whilst many redundant outbuildings have been developed, which can be justified in certain cases, this application is for an undeveloped parcel of land, formally part of the garden of Bury Farmhouse and is not the utilisation of a disused former farm building.

The Parish Councils concerns include access to the increasingly developed farm including via a single track road that passes through the village car park and which also serves part of the public footpath network.

The applicant makes reference to the need for additional dwellings in support of UDC's 5 Year Housing Land Supply but does not recognise that the Felsted Neighbourhood Plan supports the delivery of 63 new dwellings in Felsted and importantly, 38 of these are located on land associated with Bury Farm.

We would also point out that Bury Farm Barn is a recognised designated nationally important heritage asset. This Grade II building is set approximately 60 metres away from the application site. The close proximity of this important building adds to the concerns previously expressed by Felsted Parish Council over the ongoing developments within Bury Farm.*

[UTT/21/1853/OP](#)

22 Ravens Crescent

Outline application with all matters reserved for the erection of 1 no. bungalow together with new access including replacement vehicular parking for no. 22 and associated external works
Comment: Felsted Parish Council objects to this application.

The application is for a 2 bedroom detached bungalow as a tandem build behind an existing dwelling which forms part of the established linear build style of Ravens Crescent. This backland development would be an incongruous introduction completely out of keeping with the vernacular of Ravens Crescent and would have a substantial and unacceptable impact on the amenity of the occupants of No. 22.

The application conflicts with Felsted Neighbourhood Plan Policy FEL/HN4 (Residential Development within Development Limits), which requires development to respect the character of the area in which it is located.

In addition, Policy H4 of the adopted 2005 Local Plan (Backland Development) states that backland development will only be permitted where there is a demonstrable significant under-use of land, there would be no material overlooking or overshadowing of nearby properties, that the development would not have an overbearing effect on neighbouring properties and access would not cause disturbance to nearby properties.

There is no evidence of under-use of the land as it forms amenity land of the host dwelling in the form of the side and rear gardens of No. 22 which is wholly consistent with the other dwellings in Ravens Crescent. As the proposed “open market” dwelling is a bungalow, “overlooking” of No.22 may not be a significant issue, but its introduction including the new vehicular access, would have an overbearing impact and result in a significant loss of amenity of No. 22 and it is undoubtedly the case that the new dwelling would itself be unacceptably overlooked by No. 22. in contravention of the recommendations in UDC’s own Policy H4.

Additionally, Uttlesford Local Plan (ULP) Policy GEN2 advises that development should be compatible with the scale form, layout and appearance of the surrounding buildings. The proposal is not compatible.

The application therefore fails on ULP Policies H4 and GEN2 and also Felsted Neighbourhood Plan Policy FEL/HN4.

Felsted Parish Council recognises that this application is made by UDC themselves as owners of No. 22. However, had such an application been submitted by an owner occupier we would object due to what we consider to be overdevelopment within the curtilage of the host dwelling and conflict with both ULP and FNP Policies. We therefore see no justification for not stating the same objection because the host dwelling is owned by UDC.

To allow such development in conflict with UDC’s own Planning Policies because No. 22 is UDC owned would be disingenuous and would also create an unacceptable precedence as there are undoubtedly other UDC owned homes in Ravens Crescent (and elsewhere) where a similar strategy could be applied.

Glan Howy Bannister Green

Erection of 1 no. detached dwelling

Comment: Felsted Parish Council objects to this application.

The application is for a 3 bedroom two story dwelling as a tandem build behind an existing dwelling which is part of the established linear build style in Burnstie Road and Bannister Green. This backland development would be an incongruous introduction completely out of keeping with the local vernacular of mainly single story bungalows and have a substantial and unacceptable impact by “overlooking” on the amenity of a number of these adjacent dwellings.

The application conflicts with the Made Felsted Neighbourhood Plan (FNP) Policy FEL/HN4 (Residential Development within Development Limits) which states that development should respect the character of the area in which it is located.

ULP Policy GEN2 also advises the development should be compatible with the scale form and layout and appearance of the surrounding buildings.

The proposal would cause harm to the character and appearance of the surrounding area as a consequence of failing to be compatible with the immediate settlements character of that part of Felsted. The proposal would therefore be in conflict with ULP Policies S3, GEN2, NPPF and the adopted Felsted Neighbourhood Plan (February 2020) Policy HN4. Policy H4 of the adopted 2005 Local Plan (Backland Development) states that such backland development will only be permitted where there would be no material overlooking or overshadowing of nearby properties and development would not have an overbearing effect on neighbouring properties.

It would create an inappropriate form of development, creating an urbanising effect and overlooking the rear gardens of several properties as an intrusion, out of context with the existing pattern of development and harmful to the setting and character of the rural location.

There is also the unresolved question of access as the site does not currently benefit from a “Right of Access” over the service road from Burnstie Road identified as the only access in the application. It is stated that a “Right of Access” would need to be granted by the Council if the application is allowed but this raises the question of how the application could be approved without absolute certainty that the new dwelling would be permitted an indefinite right of access?

Felsted Parish Council are also concerned that the access road currently serves a communal car parking area for bungalows that have no other “off road” parking. Some of these bungalows have pedestrian access via a pavement to the front but their only current vehicular access is via the track and rear parking area.

Should the development be approved, there should be a condition restricting any construction traffic from blocking the extremely narrow access road or construction workers from utilising the very limited parking that is reserved for residents as any disruption to access or parking for these existing nearby residents could result in vehicular access to the properties being achieved by driving over Bannister Green which the Parish Council could not support.

Cromwell House Willows Green

Demolition of outbuilding and Erection of 1 no. bungalow and detached garage

Comment: Felsted Parish Council objects to this application.

The application is for the construction of a dwelling within the curtilage of a listed building (although the application is not submitted as a Listed Building Application) and would have an unacceptable impact of the setting of Cromwell House.

The application conflicts with Felsted Neighbourhood Plan (FNP) Policy FEL/HN5 which states that residential development proposals for sites in a countryside location will only be supported where one or more specific circumstances exist. These include rural exception housing in accordance with an up to date housing needs survey, enabling development supporting affordable housing, replacement dwellings, supplemental dwellings tied to an existing primary residence, development where exceptional benefits to the community can be clearly demonstrated and development on sites allocated in the FNP. The development proposed does not appear to meet any of these circumstances.

The application conflicts with the Made Felsted Neighbourhood Plan (FNP) Policy FEL/HN4 (Residential Development within Development Limits) which states that development should respect the character of the area in which it is located.

ULP Policy GEN2 also advises the development should be compatible with the scale form and layout and appearance of the surrounding buildings.

The proposal would cause harm to the character and appearance of the surrounding area as a consequence of failing to be compatible with, or sympathetic to the setting of Cromwell House. The proposal would therefore be in conflict with ULP Policies S3, GEN2, NPPF and the adopted Felsted Neighbourhood Plan (February 2020) Policy HN4.

Local Plan S7 - As the site lies outside of the settlement boundary of Felsted, for planning purposes it is also in the countryside. Policy S7 of the Uttlesford Local Plan January 2005 (the LP) states that the countryside will be protected for its own sake, and that planning permission will only be granted for development that needs to take place there, or is appropriate to the rural area. New residential development of the type that is the subject of this application does not meet either of these criteria.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that there is a general duty as respects listed buildings in the exercise of planning functions, to have special regard to the desirability of preserving their settings. The introduction of a new modern detached home located immediately adjacent to the listed building cannot be considered to be regarding or preserving its setting.

The applicant, in their Design and Access Statement fully recognise that their application conflicts with the fully Made FNP but bizarrely dismisses the NP's relevance with an argument that because the UDC Local Plan was "halted" in 2019, "no identified housing requirement exists". It is clear that in the opinion of the Independent Planning Inspector, the Felsted Neighbourhood Plan met every necessary condition as set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). Extensive Housing Needs Surveys were conducted as part of the NP development and the FNP supports the delivery of 63 dwellings (including affordable and social housing) towards UDC's 5 Year Housing Land Supply.

Consequently, the FNP forms a statutory component of the Uttlesford Development Plan carrying substantial planning weight and must be respected.

Even without the clear conflict with the Made Felsted Neighbourhood Plan and other UDP Policies, this application would be wholly inappropriate and should be refused for the many reasons stated.

[UTT/21/1909/FUL](#)

Wytewais Gransmore Green

Proposed erection of 1 no. dwelling with associated parking, landscaping and creation of a new access. Revision to that approved under UTT/18/1200/FUL

No Comment

6. Decisions received since 18th May

[UTT/21/1119/HHF](#)

Holly House Causeway End Road

Demolition of attached garage and erection of with outbuilding with 3 vehicle garaging and storage areas. Additional landscaping and fencing

Permission Refused 21st May 2021 *‘The proposed development by virtue of its design, scale and siting would result in the introduction of a dominant and intrusive feature that would have an adverse harm to the open character of the site for which no sufficient material justification that outweighs the harm has been given’*

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

Land At Milch Hill Willows Green Main Road

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

Permission Refused 17th May 2021 *‘The proposed development appears to be unacceptable on grounds of sustainability and due to its unacceptable encroachment of built form within the immediate area which would thereby cause harm to the beauty and intrinsic value of the countryside’*

[UTT/20/2245/LB](#)

Bell House 7 Station Road

Replacement of windows

Permission Granted 21st May 2021

[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.

Permission Refused 28th May 2021 *‘The site is outside of development limits and would cause material harm to the character and appearance of the countryside’*

[UTT/21/0516/LB](#)

Saddlers Chelmsford Road

Installation of satellite dish to rear of property

Permission Refused 4th June 2021 *‘it is considered inappropriate to the host dwelling, as it will cause material harm to the special architectural interest and character of the Grade II listed building’*

[UTT/21/1309/HHF](#)

The Cottage Cock Green Cock Green Road

s73a retrospective application for demolition of existing rear single storey extension, front porch and detached garage. Erection of front two storey extension, bay window and two dormer windows. Rear two storey/part single storey extension. New roof and fenestration alterations to elevations. New oil tank and enclosure. Amendment to that approved under UTT/20/2696/HHF

Permission Granted 9th June 2021

[UTT/21/1190/HHF](#)

Kirkbrook Stebbing Road

Proposed two storey rear extension, new side porch and internal alterations

Permission Granted 8th June 2021

[UTT/21/1344/HHF](#)

Cedar House Chelmsford Road

Garage conversion to form Annexe accommodation

Permission Granted 11th June 2021

[UTT/21/1374/HHF](#)

41 Station Road

Proposed single storey front extension

Permission Granted 11th June 2021

[UTT/21/0716/HHF](#)

Limeen 25A Station Road

Installation of new front door. Removal of existing front door, window and wall from recessed porch to open up hallway

Permission Granted 23rd April 2021

[UTT/20/2787/HHF](#)

16 Station Road Felsted

Amendments to previously approved and part implemented scheme UTT/18/1444/HHF. Creation of dormer window to west side of master bedroom and alterations to height of approved garden wall.

Permission Granted 23rd April 2021

7. Appeals decisions received since 18th May

[UTT/20/0849/FUL](#)

Appeal ref: APP/C1570/W/20/3260239

Land At Bakers Lane

Erection of detached self build 4 bed dwelling and garaging

Appeal Dismissed 2nd June 2021 *‘the appeal proposal would result in significant harm to the intrinsic character of the countryside in this part of the parish of Felsted. There would also be appreciable visual harm to the experience of users of the network of rural byways and footpaths that pass immediately adjacent to the appeal site. As such the appeal site would not constitute sensitive infill development’*

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

Appeal ref: APP/C1570/X/21/3269440

11 Bannister Green Villas Bannister Green

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

Appeal Allowed 3rd June 2021

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.

The Planning Committee has prepared a response for this Appeal, and it was noted that the Appeal had not started yet.

9. External Consultation on Application for Horizon 120 Business Park Off A131, London Road, Great Notley

It was noted that a Proposed Local Development Order for the creation of a Business and Innovation Park has been applied for in Braintree District.

10. Stansted Expansion Appeal

It was noted that the Stansted Expansion Appeal Process finished on 12th March and the results will follow in due course.

11. Draft Local Plan - Uttlesford DC

The Assistant Clerk has commented upon the consultation topics with responses agreed by the committee. It was noted that the Parish Council had not yet received any feedback on Call for Sites.

Draft Local Plan Braintree DC

Braintree District Council, by decision at the meeting of Full Council on Monday 22nd February 2021, has formally adopted the Braintree District Local Plan 2013-2033 Section 1 North Essex Authorities Shared Strategic Section 1 Plan.

12. Other Urgent Planning Business and Future Dates

Next meeting scheduled for Tuesday 20th July at 6pm

..... Chairman 20th July 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>