

## FELSTED PARISH COUNCIL

### Minutes of the Planning Meeting held on Tuesday 15 December 2020 electronically 6 pm

Attending: Councillors Andy Bennett (Chairman), Alec Fox, Richard Freeman, Penny Learmonth and Roy Ramm. In attendance Clare Schorah - Assistant Clerk and Heather Read – 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 no 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 Considered

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

##### **4 Bury Fields**

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

*Comment: Whilst The Council does not object to the application they are slightly concerned whether the balcony would be intrusive from an overlooking perspective to the neighbouring property.*

[UTT/20/3068/HHF](#)

##### **Bury Farm Bury Chase**

Demolition of summer house and erection of single storey outbuilding as incidental leisure accommodation and home office to main dwelling

*No Comment*

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

##### **The Barn Evelyn Road Willows Green**

Replacement windows

*No Comment*

[UTT/20/3102/DFO](#)

##### **Farm Yard South of Causeway End Road**

Details following outline application UTT/19/0027/OP for 4 no. dwellings - details of appearance, landscaping, layout and scale

*Comment: The Council objected to the outline application and continues to object to this application, as being in contravention of the made Neighbourhood Plan as an inappropriate development for this location.*

[UTT/20/2909/FUL](#)

##### **Land At 39 Evelyn Road Willows Green**

Demolition of outbuildings and erection of 4 no. dwellings with associated access

*Comment: The Council objected to the allowed appeal for three dwellings on the property and believe that the addition of a further dwelling for this application for four is completely inappropriate.*

*It is against the Made Neighbourhood Plan policy HN5 for building outside village development limits and despite what is said under points 8.15 and 8.17 in the applicant's Planning, Design and Access Statement, the density of this plot is above that of surrounding properties and completely inappropriate for this area.*

*With the density, it offers insufficient practical parking arrangements, particularly for plot 3 (the 5 bedroom house) and will result in cars being parked on the road. The single track route into the property allows no flexibility for parking for visitors or deliveries.*

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

**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 (revision to previously approved application UTT/19/2965/LB).

*No Comment*

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

**5 The Copse Bannister Green**

Single storey rear extension

*No Comment*

**6. Decisions received since 17 November**

[UTT/20/2472/HHF](#)

**Mariskalls Mill Road**

Proposed 3-bay detached garage, with first floor accommodation for home office/studio (amendments to approved scheme under ref UTT/20/1432/HHF)

**Permission Granted 23<sup>rd</sup> November 2020**

[UTT/20/1617/FUL](#)

**Moorlea Bartholomew Green Lane Bartholomew Green**

Demolition of existing dwelling and the erection of 1 no. detached dwelling and garage

**Permission Granted 10th December 2020**

[UTT/20/2646/HHF](#)

**45 Station Road Felsted**

Proposed erection of new garage and external porch to front of property, and conversion of existing garage area into utility and shower rooms.

**Permission Refused 11<sup>th</sup> December 2020** *'It would, by virtue of its scale, design and position, cause significant harm to the character and appearance of the existing dwelling and street scene'*

[UTT/20/2688/HHF](#)

**Taverners Barn Crix Green Crix Green Road**

Erection of two storey infill extension and detached cartlodge with living accommodation at first floor level

**Permission Granted 9<sup>th</sup> December 2020**

## 7. New Appeals since 17 November

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

Appeal Reference number: APP/C1570/W/20/3263184

### **Land to The West Of Chelmsford Road**

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 contact UDC to find out more on the statement of common ground before the Parish Council responds to this appeal.*

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

Appeal Reference number: APP/C1570/D/20/3263424

### **Drummonds Stevens Lane CM6 3NJ**

Section 73A Retrospective application for single storey rear extension

*Comment: The Council continues to be concerned about the height of the building and its impact on the neighbouring property.*

[UTT/20/0766/OP](#)

Appeal Reference number: APP/C1570/W/20/3261170

### **Great Greenfields Gransmore Green Gransmore Green Lane**

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

*Comment: The Council continues to object to this appeal - it is against policy HN5 in the Made Neighbourhood Plan for allowable building outside village development limits. The difference that one house makes to UDC's 5/3 year calculation is inconsequential to the damage that this will do to 2 listed buildings.*

## 8. Enforcement Updates

Assistant Clerk confirmed she has raised two planning enforcement issues with UDC and these will be monitored.

## 9. UDC Draft Protocol for Community Involvement

Comment: Felsted Parish Council is concerned by the direction and themes within the proposed protocol. At its core there needs to be much greater emphasis on the fact that a "Made" Neighbourhood Plan forms an integral part of UDC's Development Plan. Clearly, with a fully Made NP, there are unlikely to be scenarios where a Parish / Town Council would actively engage with a developer in discussions regarding a "significant development", that conflicts with the Neighbourhood Plan.

Developers when attempting devalue a NP, frequently refer to UDC's lack of a 5 year or even 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 rarely recognise or take account of 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".

Felsted Parish Council accepts that because of UDC's current inability to demonstrate the obligated 3 year HLS that our Neighbourhood Plan is weakened by the NPPF paragraph's 11 and 14. However, we will always argue vehemently that the potential "harm" done by dismissing our Made Plan should, in itself, be a material consideration in any planning decision. A Neighbourhood Plan that has taken 5 years to come to fruition, allocates housing in support of the UDC 5 year HLS target and involved comprehensive community engagement with both residents and numerous other stakeholders must be recognised as a significant material consideration.

It will be for UDC Planning Officers, the Planning Committee or the Planning Inspectorate to decide whether the weight of our "Made" Plan is sufficient to refuse / dismiss a planning

application that conflicts with the Neighbourhood Plan. Felsted Parish Council is unwilling to contribute to or participate in such a negative process.

Hence, we feel that the Community Involvement Protocol needs to recognise that where there is a fully "Made" Neighbourhood Plan, that to imply that there will be a willing Parish / Town Council engagement is disingenuous.

In addition, the document appears to assume a base position where developers are altruistic in their applications to build, being open to consideration of community needs at least equal to their business requirements. The reality is that developers are businesses required by their owners/shareholders to make a profit through successful developments. They have little interest in the community in which their developments sit, other than to do enough to achieve planning permission.

Under point 3 the protocol states that communities and other stakeholders are encouraged to contribute their views in shaping development proposals.

This suggests a base position that a developer has a right to develop their chosen area and communities have only an opportunity to shape it. If they then do not engage with a developer, presumably this will be used against them in the formal planning process. Why does this section not say that a developer is obliged to engage with communities to demonstrate how a development will meet local needs and contribute to the community, delivering more benefit than any harm it causes? The emphasis in the protocol is 180 degrees out.

There are many examples where developers, when submitting a planning application, attempt to demonstrate prior "community involvement" in support of the development. Local communities do not all understand the full planning process, leading many to believe that this is the time to submit comments/objections. Developer's presentations or even their accompanying Websites are often, in effect, just a glossy brochure. They do not, for example, detail that a site might have already been rejected by UDC under call for sites, or by a Neighbourhood Plan Steering Group, nor do they explain that objections received at presentations will generally remain with the developer. Indeed, awareness of any such potentially negative public comments may well even assist the developer in circumnavigating those concerns rather than actually addressing the objection.

Rarely, do such public presentations suggest a genuine attempt to gather public opinion. In many cases the intention to submit a planning application regardless of community views has already been made driven to some extent by the developer's financial commitment to get to that stage.

Before UDC or any PC is obliged to engage with a developer there should be a number of requirements upon the proposed development to demonstrate that it has passed an initial process of "value and worth". These should include alignment with the draft UDC Local Plan and any Made Neighbourhood Plan. If the site has previously been considered under a Local or Neighbourhood Planning process the result of that assessment should also be fully disclosed to the community.

Any community engagement communications from developers should be required to carefully explain the planning process, that the engagement stage is NOT the formal UDC planning process and that any objections submitted will not be considered by UDC when the full planning application is submitted, unless they are resubmitted directly to UDC.

We suggest that, with the likely timescale for the new UDC Local Plan, Neighbourhood Plans have an increased role to play in shaping developments. The Protocol should therefore recognise a "Made" Neighbourhood Plan and this should be identified within the Protocol as the overriding and principal Development Plan for that specific community. Where a "Made Plan" exists there cannot be any acceptable "significant development" that does not accord 100% with that Plan.

Clarity within the Protocol of UDC's clear support for Neighbourhood Plans would undoubtedly encourage those towns or Parishes without a NP to appreciate the significant value of undertaking the process.

In order to pass the rigorous requirements of scrutiny and formal examination, a Neighbourhood Plan has already been the subject of all of the recommendations within UDC's proposed Protocol (community engagement, site assessments, engaging constructively with developers, engaging local businesses and other interested groups / organisations etc.). This is exactly what producing a Neighbourhood Plan entails.

To aid clarity, perhaps the second paragraph should read (with the suggested additional text shown in red) "These commitments aim to ensure that Parish and Town Councils in the district, that do not have an up to date Neighbourhood Plan, are provided with genuine opportunities to shape development proposals that may affect their community before any planning applications are submitted.

In summary, we believe this document needs a considerable rethink to ensure the audience is clear and that the balance of emphasis is with full disclosure of process and information. Neighbourhood Plans must be accorded weight and priority, and there must be a requirement for developers to provide full process and site information, aiding less informed audiences and preventing them from using this protocol as a tool for marketing savvy developers.

#### **10. 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."

#### **11. Draft Local Plan Uttlesford DC**

The Parish Council responded to the first consultation about 'Where I live' as follows:

"We support the principal of gathering views and opinions of UDC residents in bringing together the new local plan. We as a Parish Council ran a similar process to gather information from our residents when we produced our now Made Neighbourhood Plan, which was a major project, formally adopted in 2020. We would like to refer the district council to our Neighbourhood plan for the opinions of Felsted residents. We have further publicised this process to our parishioners through our website to encourage them to make their individual comments and opinions known to Uttlesford DC."

The Parish Council responded to the second consultation about 'Character and Heritage' and the third consultation about 'Climate Change' as follows: "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."

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

No Comment

## 12. Other Urgent Planning Business and Future Dates

The next meeting will be held 19<sup>th</sup> January at 6pm electronically.

..... Chairman

15 December 2020

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>