

FELSTED PARISH COUNCIL

Minutes of the Planning Meeting held on Tuesday 14 January 2020 in the URC Committee Room at 7:30 pm

Present: Councillors Andy Bennett (Chairman), Alec Fox, Richard Freeman, Penny Learmonth and Roy Ramm

1. Apologies for Absence

Apologies were received from Cllr Graham Harvey. The resignation of Cllr Alan Mackrill was noted.

2. Declarations of Interest

Cllr Roy Ramm declared a prejudicial interest in application UTT/19/3148/AG Land West Of Mill Road, Mill Road, Felsted and stated that he would remove himself from the meeting when the matter was discussed.

3. Public Forum

There were no members of the public present.

4. Approval of Minutes of previous Meeting

The minutes of the December meeting were agreed and were signed by the Chairman.

5. New Applications Considered

Cllr Roy Ramm left the room at this point.

UTT/19/3148/AG

Land West Of Mill Road Mill Road Felsted

Proposed agricultural storage building.

Due to tight time scales the following response had already been submitted to UDC.

Comment: Objection

Felsted Parish Council strongly objects to the above referenced application. The Parish Council acknowledge that this application is made under Permitted Development Rights. Whilst being supporting of the rural economy and the agricultural sector, we consider the consequential and permanent damage to a highly sensitive landscape and important vista would be wholly unacceptable and request that Uttlesford District Council apply an Article 4 Direction removing the Permitted Development Rights at this location.

This area of Felsted countryside, in close proximity to and within the wider landscape setting of the iconic Felsted Mill should be protected.

Historical references to Felsted Parish rarely exclude the Mill and the building is for many residents, walkers, ramblers and cyclists etc. a specific destination. There are several public footpaths that circulate around the Mill and the vistas and long distance views are an important feature of the immediate area and landscape.

The location of the large building subject to this application would seriously impact the outlook from the elevated viewpoint of Mill Road, when looking across the valley to the river Chelmer. Such important views should be protected for both existing and future generations. Once lost, this important and currently uninterrupted vista is lost forever and the historical wider setting of the Mill will be diminished.

Both the landowner, Felsted Parish Council and Uttlesford District Council should consider themselves custodians of such historical views within our rural Parish and we should all do everything in our power to protect them for the benefit of both Felsted residents and visitors to the Parish.

In his Supporting Statement the applicant states under “Design, Location and Access” that measures proposed, “together with olive green wall cladding and natural grey roof will help the building assimilate into the landscape”. It is the view of Felsted Parish Council that, no matter what colour the walls or roof are of this huge building, it will completely dominate the landscape and obscure a much valued elevated landscape view of the River Chelmer valley.

Permitted Development or not, the introduction of a huge commercial structure into such a sensitive location with permanent and devastating consequences cannot go unchallenged.

It is the view of the Parish Council that the explanation of “Consideration of Preferred Site” as stated in the applicants Supporting Statement are insufficient to mitigate against the irreversible harm that would result. It is considered that there are more appropriate locations for such a large industrial style of building, either amongst the existing farm buildings of Absol Park or in a more sympathetic location within the agricultural land holdings of the applicant, whether that is within Felsted Parish or outside the Parish where it is understood the applicant has considerable additional land holdings around North End.

This application also conflicts with the Felsted Neighbourhood Plan which has been formally published by UDC, will go to a referendum of Parishioners on January 30th and therefore carries considerable planning weight. See Policy FEL/CW1 below:

Policy FEL/CW1 – Landscape and Countryside Character

To be supported development proposals must protect and enhance the landscape of the character area in which they are situated, and must not significantly harm the important long distance, short range and glimpsed views, identified in the Felsted Heritage and Character Assessment Report 2017.

Felsted Parish Council also believes that the application is in contravention of Policy Gen 2 of the adopted 2005 Local Plan, in that it will have a materially adverse and overbearing impact on a sensitive property, being Felsted Mill.

Felsted Parish Council therefore formally request UDC to apply an Article 4 Direction prohibiting this development without a full Planning Application.

The planning committee reviewed and reaffirmed the above comment.

Cllr Roy Ramm re-entered the room at this point.

UTT/19/3101/HHF

Richmond Lodge Chelmsford Road Felsted

Proposed boundary fencing/hedging with installation of electric five barred field gate and manual pedestrian field gate.

No Comment

UTT/19/3089/LB

Garnetts Cottage Braintree Road Felsted

Replacement of front door

Comment: The PC support this as a positive improvement to a Listed Building.

UTT/19/2965/LB

The Taverners Crix Green Road Crix Green

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

No Comment

UTT/19/3120/OP

Cobblington And Concorn Farm School Road Rayne

Outline application with all matters reserved, except for access, for demolition of existing dwelling and out buildings and for the erection of one replacement dwelling and erection of two detached and two semi-detached dwellings.

Comment: Objection

This application is in contravention of Policy S7 of the adopted 2005 Plan and Policy SP10 of emerging Plan.

Both are consistent in protecting the countryside for its own sake, where planning permission will only be given for housing development that needs to be located in the countryside.

It is also in contravention of the Felsted Neighbourhood Plan, in that it fails to comply with policies HN5 and HN6 for building in the countryside.

This development would change a road side green space with a high hedge, into a dense housing development, totally, and unnecessarily, changing the street scene and a step towards joining up the hamlet of Bartholomew Green with Rayne.

5 year land supply

The application places weight on the lack of a 5 year housing supply. However, this is a gross misuse of a single unqualified statistic.

If one looks at the detailed housing supply within UDC, there has in fact been an oversupply of 977 houses in the last 3 years. This has resulted in UDC delivering target housing numbers ahead of schedule.

As a secondary affect, this means that the numbers of houses now scheduled for delivery in the coming 5 years has fallen and the single calculation of future housing supply is now below 3 years. The fundamental cause being the earlier than anticipated build out of these homes, resulting in them being excluded from the calculation for the years in which their build had been anticipated.

If this oversupply is factored into the calculation, which should be allowed, the true figure would be in excess of a 5 year supply (estimated by UDC at 5.65 years). It is wrong to effectively punish the Council for the over-delivery of homes and to use this to allow the building of unsustainable dwellings.

House building in Felsted Parish

Regardless of UDC's shortfall on the 5 year housing land supply, there can be no justification for approving inappropriate housing in Felsted Parish. The draft UDC Local Plan allocates 134 dwellings spread across 19 "Type A villages" up to 2033. Felsted is one of 19 "Type A villages" in Uttlesford and has already had 70 dwellings approved in 2019, including 23 affordable homes. The FNP allocates a further 63 dwellings. Therefore, Felsted is already (over) delivering its share of current and future housing to support UDC's 5 year housing supply target. The numbers delivered are well above a reasonable threshold and the cumulative effect on our local community and infrastructure is such that additional housing should not be allowed.

Distances to services

The 'Planning supporting statement' states under 2.03, 'Whilst the site lies within a Rural Area from a policy designation, it sits very close to Rayne, just 1.2 kilometres from its centre'

This is a very misleading statement.

Assuming the use of a footpath cut-through on the outskirts of Rayne, the development is actually 1.5kM from the post office in Rayne, and approximately 2Km from the small shop. This route includes use of approximately 1kM of unlit, 40mph, roadway, with no footpath. A route which, as detailed in the precedents below, has been deemed unsafe for pedestrian use and a reason to refuse developments on this same road, based on poor accessibility.

If motorised transport is used then the cut through is not available and the Post Office is then approximately 2.3Km from the development.

Precedents

On 17th December 2019 appeal APP/C1570/W/19/3235176, UTT/19/0827/FUL, ‘South of Oaklea House’, School Road, Rayne, for 2 dwellings, was refused. This site is a few hundred metres away from the application site, with both using the same road to access facilities in Rayne. The Inspector’s decision to refuse the appeal referred specifically to the suitability of the road for additional dwellings.

In his adjudication, the Inspector stated:

- 11. The emerging Felsted Neighbourhood Plan 2018-2033 (the EFNP) is at an advanced stage. ..., the EFNP is at a stage that attracts moderate weight in my consideration of this appeal.*
- 12. The stretch of the Lane that incorporates the site is unlit and is not served by pathway. I observed several traffic movements along the Lane during inspection such that it does not appear as an attractive route to be navigated on either foot or by bicycle. It is also apparent that the site is not served by closely or conveniently located bus stops. Thus, it is likely that future occupiers would be reliant on private modes of transportation in order to meet their day-to-day needs, whether this be in Rayne, Great Notley or beyond.*
- 13. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making. Indeed, relatively short journeys would be necessitated in order to access the wide range of facilities and services available in nearby Braintree. Nevertheless, the increase in travel by private modes of transportation that would be anticipated sits uncomfortably alongside the Government’s objectives of delivering sustainable development in a planned and coordinated manner.*
- 15. For the above reasons, the proposal would cause material harm by virtue of the site not representing an appropriate location for housing, having particular regard to access to surrounding facilities and services. The proposal conflicts with saved Policy GEN1 of the Local Plan in so far as it requires that development will only be permitted where it encourages movement by means other than driving a car.*

In addition there is a refused appeal, ref APP/Z1510/W/18/3199219, Land near Mill House, School Road, Rayne, Braintree CM77 6SS. This appeal site is again on the same road as the application site, but is actually closer to the facilities at Rayne, and, as with the ‘Land South of Oaklea’ refusal, it was refused for accessibility reasons, including:

- 1. ‘accessibility weights significantly against the Mill Lane proposal’*
- 2. Although Rayne is not particularly remote from the appeal site there is a lack of a footpath or street lighting on the part of School Road nearest to the appeal site. During my site visit there was a steady flow of traffic on the road and I observed that there are limited opportunities for a pedestrian to seek safe refuge from vehicles on the highway. Towards Rayne along School Road there is a footpath but it is some distance from the appeal site and generally School Road would not provide a particularly inviting route for either pedestrians or cyclists. I also have very limited information before me regarding access to public transport such as buses from the vicinity of the site. Such a*

lack of accessibility by means of transport other than the private car weighs significantly against the proposal.

3. *I conclude that the site is not a suitable location for the proposed development having regard to the development strategy for the area and accessibility to services and facilities*
4. *The Council has included reference to policies in the emerging Local Plan in its reason for refusal. I can only attribute limited weight to the policies in the emerging Local Plan because it has not been found to be sound and has not been adopted. Nevertheless none of the policies which have been referenced dissuade me from the conclusions that I have reached in relation to the main issues.*
5. *The Council does not dispute the appellants' contention that it is unable to demonstrate a five year supply of deliverable housing sites...*
6. *The benefits arising from the development would be a contribution towards the supply of housing and economic benefits arising from the new residents providing some support for the rural economy and activities during the construction phase. However these benefits would be limited given the small scale of the development. In this case the benefits would be outweighed by the harm that I have found in relation to the impact on the character and appearance of the appeal site and the surrounding area and accessibility to services and facilities.*
7. *Overall my consideration of the status of the emerging Local Plan and other matters does not dissuade me from the conclusions which I have reached with the regard to the main issues.*

In addition, application UTT/18/1606/HHF, extension to and part conversion of existing garage to form annexe. Oaklea House, School Road, Rayne, Braintree, Essex, CM77 6SP, was refused by UDC because:

"The proposed detached annexe, by reason of its overall, size, scale and location would be tantamount to creating a new independent dwelling (separate from the main dwelling) in the countryside as opposed to providing an annexe and would result in unsustainable development. The proposed development does not need to take place there and is not appropriate to the rural area. There are no material considerations which would justify the development of this site outside of the Development Limits." The site refused under UTT/18/1606/HHF is directly opposite the site for the application for 1 replacement and 4 additional dwellings.

Summarising:

The application site is located directly opposite a site refused by UDC for an additional dwelling and is equidistant between 2 refused appeal sites for 2 dwellings each, both were refused because of the poor access to facilities, using the same road and the same facilities as the application site.

For consistency in decision making at UDC and Inspector level over recent months, 4 new dwellings in this location cannot therefore be found sustainable.

The applicant has submitted a 35 page document in support of their argument that the road is used lightly. This document is disingenuous at best. The traffic survey was carried out in the week of 11th April 2019. This was Easter holidays for Essex Schools. Given that this was some 7 months ago, there appears to be no indication, or urgency, as to why it was decided to pick a week when traffic would be light, other than perhaps pure 'bad luck' or even to mislead the Council. Whatever the reason, this traffic survey is worthless and warrants refusal of the application.

It would be wrong to approve this application simply because there is the physical space to build the dwellings. Felsted is already taking more than its reasonable share

of new dwellings in Uttlesford. There needs to be a specific reason as to why 4 additional dwellings need to be built in this location, in the countryside, and none has been presented.

In addition, as adjudicated by the Inspector, the lack of a 5 year housing supply is not of sufficient weight to justify allowing the build of dwellings in an unsafe and unsustainable location.

[UTT/19/2942/HHF](#)

Hadlands Chelmsford Road Felsted

Section 73A Retrospective application for the erection of fencing, netting and trellis.

Comment: Objection. Aesthetically from the public footpath the plastic sheeting is unsightly and disagreeable. Whilst not objecting to the height, the PC is concerned about the use and appearance of the plastic.

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

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.

Comment: Objection

Felsted Parish Council wish to register a strong objection to the above application in open countryside, in a critical location, which would have a serious and negative impact on the southern approach to Felsted village.

Specifically, in relation to the adopted 2005 Local Plan:

This application site is in contravention of policy S7 of the adopted Local Plan and SP10 of the emerging Local Plan, in that it would result in building in the countryside, outside of the Village Development Limits, in a location where no need has been demonstrated.

In relation to policy GEN7 of the adopted Local Plan, the site needs a full survey for protected species.

The application is in contravention of policy E4, for allowable ‘alternative uses of farmland’, as it would place unacceptable pressure on the existing roadway from a safety perspective, especially noting the inclusion of 5 light goods vehicles on site.

The application also contravenes policy ENV5 ‘protection of agricultural land’ as there is no demonstrated need for the development in this location, an actively farmed area of high quality farmland.

In addition, there is no identified need in the 2005 adopted Local Plan for the provision of gypsy or traveller sites of this type.

There is no mechanism within the application to mitigate the impacts of the development on the Blackwater Estuary Special Protection Area and RAMSAR.

Felsted Neighbourhood Plan

The Felsted NP has been approved for referendum, which is taking place on 30th January. It therefore carries significant weight in planning decisions.

There is a large Council run Gypsy / Traveller site around 2.5 Km away in the adjacent Parish of Little Dunmow and a private site in Felsted Parish.

Given that there is already adequate provision in the area, there is no identified need in the NP for any further gypsy or traveller sites within the Parish.

The draft UDC Local Plan allocates 134 dwellings spread across 19 “Type A villages” up to 2033. Felsted is one of 19 “Type A villages” in Uttlesford and has already had 70 dwellings approved in 2019, including 23 affordable homes. The FNP allocates a further 63 dwellings. Therefore, Felsted is already (over) delivering its share of current and future housing to support UDC’s 5 year housing supply target. The numbers delivered are well above a reasonable threshold and the cumulative effect on our local community and infrastructure is such that additional housing should not be allowed.

Site history

When this same site was considered for development only 6 months ago (UTT/18/2960/FUL), which was refused, UDC stated clearly that development of this site would cause significant environmental harm to the rural amenities of the area contrary to ULP Policy S7.

UDC refusal comments included;

“The proposed development of this greenfield site beyond development limits forming part of the local agricultural landscape at the southern edge of Causeway End would create an undesirable urbanised extension of this linear hamlet into open countryside beyond which would appear completely incongruous within its rural setting causing significant environmental harm to the rural amenities of the area contrary to ULP Policy S7 of the Uttlesford Local Plan (adopted 2005) and contrary to the provisions of the National Planning Policy Framework. Furthermore, the site is located a considerable distance from local services and amenities where there would be almost total dependence on the motor car for travel due to a lack of pavements and public transport and this, combined with the severity of environmental harm which would be caused is such that a presumption in favour of sustainable development cannot be reasonably demonstrated”.

Felsted Parish Council considers this to be a wholly inappropriate location for any type of build form whether that be residential dwellings or a Gypsy Site. The site is high value agricultural land, with no demonstrated need to build on it

The application has stated that in order to achieve the required visibility splays of 2.4 metres by 132 metres (as this road is subject to the national limit of 60MPH) it will be necessary to remove part of the existing hedgerow.

The removal of this hedgerow, in conjunction with the introduction of any “build form” in this in a critical location would have a serious and negative impact on the southern approach to Felsted village. There would also be a significant harmful effect on the setting of one of the most important listed houses in Felsted, Millbanks which for 421 years has been the first dwelling to be encountered as you leave the open countryside and enter Causeway End, and which proudly announces - George Boote made this house 1598. In addition, on the opposite side of the road and within a hundred or so metres is another listed building, Black Horse Cottage. Such important historical buildings should not be overwhelmed by the incongruous development of a gypsy site with its inevitable and associated structures and activities.

The current transition from countryside to the hamlet of Causeway End on outer fringes of Felsted village is appropriate and gradual. The introduction of any form of modern development would create irreversible harm, noting that the application states there are no hedges, but there is a valuable mixed hedge to the roadside which would be lost.

The area has also suffered from recent flooding. A full flood risk impact survey is needed to demonstrate impact on the site, neighbouring dwellings and the roadway.

In addition to the significant impact of the above mentioned listed buildings. They would suffer a loss of amenity from the inevitable resulting noise and disturbance from 5 family units with light industrial vehicles.

During the previous consideration of this site, the following serious environmental concerns were expressed (as below).

Historic Environment comments (as reported by Place Services)

RECOMMENDATION; An Archaeological Programme of Trial Trenching followed by an Open Area Excavation.

A recommendation, in line with NPPF Framework stated that no development or preliminary groundworks could commence until a programme of trial trenching followed by an open area excavation.

The Historic Environment Record indicated that lies within a potentially sensitive area of heritage assets. Cropmark evidence, east of the site indicates the presence of preserved archaeological remains, including a ring ditch (EHER 1084) of probable prehistoric date. The proposed site is located between two medieval buildings including the 15th century Black Horse Cottage and 15th/16th century Millbanks Farm (EHER 37041 and 37040).

Highways and access

Development of this site in any form would result in an unacceptable degree of hazard to all highway users to the detriment of highway safety. There are no footways to link the site to any local facilities and provide safe access for pedestrians. As such, the proposal is contrary to ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

When considering the site for development 6 months ago, ECC Highways recommended – Refusal.

Highways comments include:

“It is noted that the opportunity for using sustainable transport instead of the car is severely limited as the nearest bus stop is over a kilometre away and has a limited service; there is no footway to provide safe pedestrian access; the speed of the local road is not conducive to cyclists. Local Primary Schools are approximately 3 kilometres away and other local facilities are 1.5 km away. This should be considered by the planning authority within the general sustainability of the site”.

If the site is considered by highways as “unsafe” as a site for residential dwellings, it seems unthinkable that UDC would consider the safety of “Gypsies or Travellers” to be of less importance!

Were the application approved, with the site supporting 5 touring caravans, 5 cars and 5 light goods vehicles, the safety of pedestrians and other road users would also be put at risk from the additional traffic.

6. Appeal Decisions since 17 December

UTT/19/0827/FUL

South Of Oaklea House School Road Rayne

Erection of 2 no. Semi Detached Dwellings.

Appeal Dismissed 16th December 2019 “Excursion into open countryside.....adverse effect on lane’s green and semi rural character”

UTT/19/1038/FUL

Moorlea Bartholomew Green Lane Bartholomew Green

Demolition of existing dwelling and erection of a pair of semi detached dwellings with new vehicular access

Appeal Dismissed 16th December 2019 “Excursion into open countryside....would cause harm to the character and appearance of the rural area”

UTT/18/3408/FUL

Brook Cottage Gransmore Green Gransmore Green Lane

Construction of 4 new dwellings and associated works including access

Appeal Allowed 20th December 2019

UTT/19/0801/FUL

Frenches Farm Frenches Green Felsted

Erection of 1 no. detached dwelling with car parking and landscaping

Appeal Dismissed 13th January 2020 “harm to designated heritage asset.... development in this location and would be harmful to the character and appearance of the area, contrary to Policy S7”

7. Decisions received since 17 December

UTT/19/2572/OP

Land At 39 Evelyn Road Willows Green

Outline application with all matters reserved for the demolition of outbuildings and the erection of 3 no. one and a half storey chalet style dwellings, replacement garage to parent property and associated works

Permission Refused 13th January 2020 “The proposal is not sustainable development...backland site would give rise to an unsatisfactory form of development badly related to adjoining properties”

8. Draft Local Plans - Uttlesford DC Regulation 19

The Inspectors have found the draft Local Plan unsound and have recommended that UDC should withdraw the LP and start again

9. Community Infrastructure Levy (CIL)

In order to best respond to Dixon Searle Partnership's (DSP) questions re the CIL Viability Study (being carried out on behalf of UDC), the planning committee requested the Asst Clerk to send DSP a link to the Felsted Neighbourhood Plan and the wealth of information therein.

10. Date and time of next meeting: Tuesday 18th February in the URC Hall at 7.30pm

..... Chairman

18 February 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>