

FELSTED PARISH COUNCIL

Minutes of the Planning Meeting held on Tuesday 15 October 2019 in the URC Committee Room at 7:30 pm

Present: Councillors Richard Freeman (Acting Chairman), Alec Fox, Penny Learmonth, Alan Mackrill and Roy Ramm

1. Apologies for Absence

Apologies were received from Councillors Andy Bennett and Graham Harvey

2. Declarations of Interest

Cllr Freeman declared a non-prejudicial interest in [UTT/19/0682/OP](#) and stated that he would leave the meeting whilst the appeal was discussed.

Cllr Ramm declared a prejudicial interest in UTT/19/2285/HHF and took no part in the discussion of that application.

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 agreed and were signed by the Acting Chairman.

5. New applications considered:

[UTT/19/2285/HHF](#)

Loveneys Cock Green Cock Green Road

Single storey rear extension.

No comment but the PC question if this should also be a Listed Building application?

[UTT/19/2494/LB](#) / [UTT/19/2493/FUL](#)

Boote House Restaurant George Boote House Chelmsford Road

Demolition of late C20 addition and construction of new part two storey/part single storey extension. Internal alterations and refurbishment to ground floor level to include replacement entrance door, creation of new bathrooms, replacement glazing, glazed link to kitchen, repair to floor boards, new flooring and glass panel over wine cellar, remove and replace some internal doors and partition walls and repairs to staircase. Alterations and refurbishment to first and second floor levels to form new en suite letting bedrooms - to include new staircase, installation of fireproof plasterboard, replacement windows, installation of rooflight, removal and erection of stud walls, new flooring.

*Comment: The PC do not have any issues with the suggested changes to the building, replacing the later flat roofed single storey extension. They do note however that it is a very significant building (Grade II *) and that internal and structural changes need to be acceptable to Historic England, who will have their own views.*

The PC does not see this application as a Licencing Application as this should come later and does not support opening hours until 1 am. Comparable establishments have an 11pm limit. It would be wrong to introduce potential noise nuisance into a residential area until the early hours of the morning.

The outside space is being identified as having lighting and heating, which reinforces the view that it should not be allowed to operate until 1am. We also understand that it has not previously been used as an outside entertaining space. With Andrew's House (the neighbouring property) being converted into a dwelling from a school, (as it is still identified in some of the applicant's paperwork) and the area being within a Conservation Zone, we do not believe the outside space proposal is acceptable.

Contrary to the applicant's comment that parking is not relevant, parking is very relevant. The Boote House has no dedicated parking. Whilst it is unclear what the net increase in parking will be, it is likely to be considerable, from the increase in staff, and customers, including those staying overnight. They will all be restricted to on-street parking in an already congested area, where residents struggle to find parking within a reasonable distance of their homes.

Should officers be inclined to approve this application we would ask for it to be called in for Committee review.

[UTT/19/2441/HHF](#)

12 Evelyn Road Willows Green

Entrance lobby extension.

No Comment

[UTT/19/2532/HHF](#)

White Oaks Cock Green Cock Green Road

Replacement of single storey side extension (amendments to previously approved application [UTT/19/1369/HHF](#)).

No Comment

6. New Appeals

[UTT/18/3529/OP](#)

Land To The South Of Braintree Road Felsted

Outline application for residential development of up to 30 no. Dwellings with associated roads and infrastructure with all matters reserved except access.

Comment: The PC strongly objected to this appeal. Councillors had considered their detailed response via circulated emails and this will be submitted to the Planning Inspectorate.

The Parish Council objects to this appeal.

The site

This site has previously been the subject of a refused application (UTT/16/0287/OP) and a subsequent refused appeal (APP/C1570/W/16/3156864). A Judicial Review was then finally refused in October 2017.

Uttlesford Planning Committee decision

The decision by Uttlesford District Council Planning Committee to defer its decision at its July 2019 meeting was a sensible and appropriate decision. With the consultation period for the Felsted Neighbourhood Plan finishing the same day as the planning meeting, it was right and proper for the Committee to want to see the results of the consultation prior to making a decision.

Uttlesford Local Plan and Felsted Neighbourhood Plan

The developer is clearly aware that the site and application are not supported by either the emerging Local Plan or the draft Felsted Neighbourhood Plan.

The emerging Uttlesford Local Plan is currently at Reg. 19 and, the Felsted Neighbourhood Plan passed examination on September 29th 2019, is approved for referendum and so is a significant material consideration.

With both plans at advanced stages and gaining in planning weight as the weeks move on, the appellant knows that the likelihood of being able to force this unsupported application through is diminishing by the week.

They have therefore appealed against non-determination as their only opportunity to gain approval.

The site is in an area where open countryside policies S7 of the existing Local Plan and SP10 of the draft Local Plan apply. There are two major sites allocated for housing within Felsted. This site is not part of the allocation of housing within the emerging Local Plan or the emerging Neighbourhood Plan.

This appeal wrong and a cynical attempt to push through an opportunist money making application which offers nothing against the identified needs of the Neighbourhood Plan.

In the last 12 months 104 new dwellings have been approved in the Parish of Felsted, with applications and appeals for over 50 more in process. This is against a target in the emerging Local Plan of 70 for Felsted in the coming Plan period to 2033. If the Neighbourhood Planning process is to be seen as credible, then plans like Felsted's, at critical referendum stage must be supported. The Felsted Neighbourhood Plan identifies specific locations for housing development which satisfy the targets established in the emerging Local Plan. It rejects the appellant's site and rejects the 'community benefits' offered by the appellant.

This appeal is a last throw of the dice by the developer before they know the Neighbourhood Plan will go to referendum and likely be adopted, closing off whatever slim chance remains for the site to be developed.

Within the application and appeal there is inference that this is delivering a need within the Neighbourhood Plan of a new community hall. There has been no consultation in this regard. The Memorial Hall Committee have stated publicly that they do not wish to relocate to a new hall in the suggested location.

Access to a village hall via Jolly Boys Lane North is wholly inappropriate as this is a single track road not constructed to full highway standards. It was discussed as an option within the early Neighbourhood Plan and the drafting process rejected it in favour of leaving the hall in its current location.

In respect to the proposed S106 Heads of Agreement document: under 'provision of community building' para 3 there is a statement that financial support for this proposal will come from Felsted Community Trust. The developers have no control over the spending of money which might be held by the Trust and this aspect should therefore be removed from this application.

The Inspector's ruling under refused appeal APP/C1570/W/16/3156864

The Inspector's ruling against the original planning application clearly identifies that the acknowledged lack of a 5 year housing supply cannot be used to allow the appeal. The alleged benefit simply does not outweigh the damage caused by the development.

We would propose that the decision against APP/C1570/W/16/3156864 must therefore carry over to the appeal for this application.

Summary

In summary we believe the appeal is an opportunist, cynical attempt to make money in advance of completion of the Uttlesford Local Plan and Felsted Neighbourhood Plan, which the appellant knows do not support this development. As such it should be refused.

Should the Inspector allow the appeal we request that a condition be made as part of approval that no delivery or heavy vehicle access to the site should be permitted via Jollyboys Lane North (a single track road with no pavements and an elderly persons assisted living care home) and all contractor and site related vehicles must be parked on site. In addition, all works should be limited to normal working hours of 9 to 5pm to respect the neighbours.

Note: Cllr Freeman left the meeting at this point and Cllr Mackrill took the Chair.

[UTT/19/0682/OP](#)

Land Adj To 1 Myrtle Villas Chelmsford Road

Outline application, with all matters reserved except for access, for the erection of 1 no. dwelling house and garaging.

Comment: The development is in the countryside and so is against policy S7 of the adopted 2005 Local Plan and SP10 of the emerging Local Plan.

There is no identified need for this new dwelling to be in this location. Any development in-filling the open space between Felsted Village and Causeway End should be resisted. It will be very difficult to resist progressive infilling and will set a dangerous precedent.

The appeal raises the question of UDC not having a 5 year housing supply. The addition of a single additional dwelling will do nothing to impact the housing supply calculation and NPPF states that the presumption in favour of sustainable development does not over rule inappropriate developments, of which this is one.

This development is not supported by policies within the Felsted neighbourhood Plan. The Plan is much further forward than when this application was first refused. The Plan has now been approved by the Inspector and recommended for referendum. We would suggest that this makes it a material consideration and the fact that this application does not accord with any of the Plan policies for building outside of the Village Development Limits (SN5 and SN6) should carry weight and the appeal should be refused.

Note: Cllr Freeman re-entered the meeting at this point.

7. Decisions received since 17 September:

[UTT/19/1874/HHF](#)

The Ash Bannister Green

Single storey side / rear infill extension and front porch.

Permission Granted 26th September 2019

Felsted School

Premises Licence Application

Permission Granted 30th September 2019

[UTT/19/1954/HHF](#)

4 Bentalls Willows Green Main Road Felsted

Demolition of existing outhouse and the erection of a two storey side and single storey rear extension.

Permission Granted 3rd October 2019

[UTT/18/3110/FUL](#)

Seabrooks Farmhouse Braintree Road

Demolition of existing barn and the erection of 1 no. dwelling

Permission Granted 8th October 2019

[UTT/19/1962/HHF](#)

Foresters Jollyboys Lane North Felsted

Proposed alterations and extensions and new garage/workshop

Permission Refused 10th October 2019 *“the proposed extensions would, by virtue of its scale and form, cause significant harm to the character and appearance of the existing dwelling and neighbouring properties.... as well as the impact on the Oak tree would outweigh any benefits of the development”*

8. Appeal decision since previous council meeting

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

Land East Of Station Road Little Dunmow

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 23rd September 2019

“The proposal would bring significant urban development close to listed building and encroach into the agrarian landscape around it... would cause harm to the significance of three designated heritage assets.

There would be a significant adverse effect on the character and appearance of the area.....the harm in this case would be unacceptable.

The proposal would be contrary to Policy S7 of the ULP. There would also be conflict with Policy ENV2 because of the adverse effects on the setting of listed buildings.”

9. Enforcements

Concern had been raised re the telephone poles that County Broadband are erecting for the purposes of installing Broadband Services. Asst Clerk confirmed that she had contacted UDC and asked them to halt the process whilst a review is carried out.

10. Date and time of next meeting: Tuesday 19th November in the URC Hall at 7.30pm

..... Chairman 19 November 2019

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>