

FELSTED PARISH COUNCIL

Minutes of the Planning Meeting held on Tuesday 17 December 2019 in the URC Committee Room at 7:30 pm

Present: Councillors Andy Bennett (Chairman), Alec Fox, Richard Freeman, Penny Learmonth and Alan Mackrill.

1. Apologies for Absence

Apologies were received from Councillors Roy Ramm and Graham Harvey.

2. Declarations of Interest

There 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 November meeting were agreed and were signed by the Chairman. The minutes of the October meeting were agreed and were signed by Cllr Freeman who was Acting Chairman for the duration of the October meeting.

5. New Applications Considered

[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.

Comment: Objection. This site is not within the Village Development Limit and as such this application is in contravention of policy S7 of the 2005 adopted Local Plan and SP10 of the emerging Local Plan. There is no defined need for the building of 3 additional large family homes in this location.

The PC recognises the existence of the outbuildings but does not feel it is justified to replace them with three new dwellings. Turning one dwelling into four is an overdevelopment of a residential garden.

This application is also in conflict with the Felsted Neighbourhood Plan (FNP) Policy FEL/HN5 (Residential Development outside Development Limits), which defines acceptable sustainable development outside of Village Development Limits. The FNP, which is at referendum stage and so carries material weight, supports what it deems appropriate development "outside the Village Development Limits". It does not support indiscriminate development simply because there is space to build. If that were the case in a Parish such as Felsted with each of the many greens and hamlets there would be no limit to indiscriminate development.

Regardless of UDC's shortfall on the 5 year housing land supply, which has been exacerbated by an over-supply of housing in recent years, there can be no justification for approving inappropriate housing in Felsted Parish. The UDC emerging 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 Felsted Neighbourhood Plan, which is at referendum stage, 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.

[UTT/19/2908/HHF](#)

Foresters Jollyboys Lane North

Proposed alterations and extensions and new garage/workshop

Comment: The previous application UTT/19/1962/HHF was refused due to the bulk of the design and the intrusion on neighbours. The new design offers little change to the impact it will have on neighbours. The PC feels that more could be done to produce a sympathetic development in relation to the close neighbour.

[UTT/19/2946/FUL](#)

Land West Of Breadlands Cock Green Cock Green Road

Section 73A Retrospective application for the erection of an extension to a storage building.

Comment: The PC has no objection to the extension providing it is for private use only. The PC does not endorse it's use as a commercial enterprise.

[UTT/19/2940/HHF](#)

Cromwells Watch House Green

Proposed first floor front extension, two storey extension to North East elevation and garage conversion.

No Comment.

[UTT/19/2964/HHF](#)

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/19/3022/HHF](#)

Meadow House Cock Green Cock Green Road

Demolition of existing garage and construction of single storey and two storey side extension and single storey front extension. Alterations to roof including provision of flat roof and dormer window.

No Comment

[UTT/19/2994/OP](#)

Land To Rear Of Jolly Boys Lane South And Causeway End Road

Outline application for the erection of 5 dwellings with all matters reserved except for access.

Comment: Objection. Felsted Parish Council objects to the application to erect 5 dwellings, outside Village Development Limits of Causeway End. This application conflicts with Policy S7 of the 2005 Uttlesford District Council (UDC) Local Plan and Policy SP10 of the submitted emerging local plan (ELP).

It is also in conflict with the Felsted Neighbourhood Plan (FNP) Policy FEL/HN5 (Residential Development outside Development Limits), which defines acceptable sustainable development outside of Village Development Limits. The construction of what can best be described as "executive" homes on a greenfield site does not meet the defined sustainability criteria.

The FNP supports what it deems appropriate development "outside the Village Development Limits". It does not support indiscriminate development simply because there is space to build. If that were the case in a Parish such as Felsted with each of the many greens and hamlets separated by open space there would be no limit to indiscriminate development.

In their "Planning Design and Access Statement" (PDAS) the applicant at 2.12 states that the FNP "is not made at the time of submission", however, it is important to recognise that the Cabinet of Uttlesford District Council carried the proposition on 26th November 2019 that "Felsted Neighbourhood Plan should proceed to a Referendum". This referendum is scheduled to take place on January 30th 2020 and therefore the FNP should be afforded "considerable weight" in any current Planning decision.

In their PDAS, the applicant at 4.02 makes a comparison to a recently approved application for 4 dwellings (19/0027/OUT) - Farm Yard South of Causeway End Road, suggesting that there are parallels with this application and implying that a similar positive decision should be made. However, the site in question was not at all comparable. That site is a former under-utilised farm yard with existing agricultural structures and a well-established road access.

The application site by contrast is a greenfield site with no existing access and a proposed new access with questionable visibility splays, close to a bend on a narrow road and within just a meter or so of a speed restriction change.

The construction style is also backfill in an area characterised by linear development. A far closer comparison would be the previously dismissed Appeal site APP/C1570/W/17/3191635 - Land East of "The Bungalow" Causeway End Road for the construction of 5 detached dwellings. This site is almost directly opposite the application site.

In dismissing that Appeal, the Inspector said:

"The design of the dwellings would not reflect a particularly rural character and, with 5 or 6 bedrooms, be visually imposing"

"the layout, design and scale of housing proposed would be significantly out of keeping with the rural surroundings and lead to significant harm to the character and appearance of this area of countryside".

"The proposal would neither protect nor enhance the particular character of this location and thus conflicts with the aims of Uttlesford Local Plan (ULP) Policy S7 which seeks to protect the countryside outside the defined Green Belt and settlement boundaries for its own sake. The scheme would contrast harmfully with the adjacent frontage housing along Causeway End Road further conflicting with the aims of ULP Policy GEN 2 which seeks that the design of new development is compatible with the scale, form, layout and appearance of surrounding buildings".

"the Framework seeks that planning decisions contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. There would be moderate local economic benefits through the construction and ongoing servicing of the five dwellings. The fact the large dwellings would be of a high cost and not geared to meeting a specific local need would reduce somewhat the moderate social benefits provided by a windfall development helping to address the Council's undersupply of housing".

Under "Highway safety" he said;

"This is a quite narrow country lane without footpaths or lighting where the speed restriction changes from 30mph to 40mph on exiting the village. The access design does not provide the 2.4m by 120m visibility splays sought by the highway authority for a 40mph road. No traffic speed survey evidence has been provided to demonstrate this standard of visibility might be reduced to that shown".

Whilst the new access shown on this application is within the 30MPH limit it is also within a matter of a meter or so of the Appeal site and although, at 1.02, the applicant states "An access has now been created off that road that has been constructed to standards required, the ditch piped and culverted at this point where these works have been inspected and approved informally by ECC", there appears to be no evidence submitted with this application to confirm the claim of "informal" approval and indeed we believe the access to have been created without any necessary approvals and therefore enforcement action should be taken to have it closed.

"The previously reported concerns by the PC over the (unauthorised?) drainage works undertaken on the site during 2019, referenced under Essex County Council Highways, 2609731 and ECC6973604 06 19, have this week been demonstrated to be correct. The photographs attached at the end of this comment taken this week show the road immediately adjacent to the proposed site access.

As can be seen in one photograph, a representative from Essex Highways was on site as the road was impassable to most vehicles and pedestrians. The property opposite the site (The Bungalow) suffered flooding to over 18 inches on depth, including to the septic tank. Whilst it is recognised that rainfall has been at an unusually high level, give the realities of climate change, recognised through UDC declaring a climate emergency, this is likely to become the new 'normal' and so must be mitigated against. Whether the drainage and unauthorised access works carried out on the application site earlier this year are the cause or just a contributory factor, it is clear that the site access is unsuitable for the new 'normal' without significant remedial work. Surface water drainage from the site is totally inadequate as the culvert under the road (and watercourses beyond) are overwhelmed and cannot cope. The introduction of additional surface water, roof run-off water and septic tank discharge water from an additional 5 dwellings would be wholly unacceptable"

With regard to questionable visibility splays, we would also point out that the view shown in the photograph - Figure 3, titled "The edge of the site and change to 40 mph" shows an adjacent field hedge, which we understand has been cut back in order to improve the claimed sight line. This hedge is not under the control of the applicant and so visibility splays cannot be safely secured.

In addition, whilst not directly relevant to this application, we would also point out that the "unauthorised" works already carried out to the ditches / pond and construction of a new access have been the subject of concerns previously reported to ECC by Felsted Parish Council due to flooding impacts (References 2609731 and ECC6973604 06 19). In their PDAS, at 4.06 (and other locations in their PDAS) the applicant makes reference to UDC's inability to demonstrate a 5 year housing land supply and states this to be "One of the most convincing arguments" for approving this application. However, there have been many examples recently where it has been clearly stated that this should not be a reason in itself to approve inappropriate development. There are many recent Dismissed Appeals within Uttlesford where the lack of a 5 year (or even a 3 year) housing Land Supply has been acknowledged and the Appeal refused or dismissed, examples include:

Appeal Ref: APP/C1570/W/19/3236869 – Inspectors comments include:

"The Council are currently unable to demonstrate a five-year housing land supply, with the shortfall being serious, at around 2.68 years"

"The proposed development would be contrary to the development plan and there are no other considerations, including the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal fails".

Appeal Ref: APP/C1570/W/19/3232728 - Inspectors comments include:

"The Council concedes that it does not have the required 5 year supply of deliverable housing sites".

"I have concluded, however, that it would unacceptably harm the character and appearance of Weaverhead Lane and would be detrimental to highway safety, in conflict with the Framework as well as with development plan policies.

"For the above reasons the appeal is dismissed".

Appeal Ref: APP/C1570/W/19/3235257 - Inspectors comments include:

"I am of the understanding that a 2.68 year housing land supply currently exists in the District, which represents a significant shortfall".

"I have identified conflict with saved Policy S7 of the Local Plan. However, this policy is not consistent with the Framework in terms of its approach to countryside protection. This is because the Framework does not imply that protection from development be given to the countryside in its totality, rather that recognition be given to the intrinsic character and beauty of the countryside".

“In the context of the Framework, the proposal would cause harm by virtue of failing to recognise the intrinsic character and beauty of the countryside which, when noting the site circumstances under consideration here as outlined in my reasoning above, attracts significant weight in the planning balance”.
“For the reasons set out above, the appeal is dismissed”.

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.

UDC publicly available data (October 2019 – Housing Completions and Trajectory) 2011 to 2033 shows:

- *Delivery has approached 1,000 dwellings per annum in the last two years.*
- *This is around twice the average level of delivery for years 2011/12 - 2015/16, and is a very high number of completions for the district*
- *Last year’s housing trajectory anticipated delivery of 667 homes (2019/20), whereas actual delivery was 983 homes. The housing trajectory from two years ago anticipated delivery of 496 homes (2017/18) and 571 homes (2018/19), whereas actual delivery was 966 and 983 homes respectively.*

<i>Table 6 Calculation of 5 year housing supply – draft Local Plan Supply from sites</i>		<i>Supply from sites with Planning permission, windfall allowance and sites with draft allocation</i>
<i>Target – years 2019/20 – 2023/24</i>	<i>(4 x 568) + (1 x 719)</i>	<i>2,991</i>
<i>Shortfall / surplus years 2011/12 – 2018/19</i>	<i>(459+540+582+463+550+732+966+983) – (568 x 8)</i>	<i>+731 (surplus)</i>
<i>Target plus shortfall / Surplus</i>	<i>2,991 – 731</i>	<i>2,260</i>
<i>5% of target plus shortfall / surplus</i>	<i>2,260 x 0.05</i>	<i>113</i>
<i>Overall target</i>	<i>2,260 + 113</i>	<i>2,373</i>
<i>Supply – years 2019/20 – 2023/4</i>	<i>432 + 482 + 739 + 592 + 437</i>	<i>2,682</i>
<i>% of target available of deliverable sites</i>	<i>(2,682 / 2,373) x 100</i>	<i>113.02%</i>
<i>Supply in years</i>	<i>(2,682 / 2,373) x 5</i>	<i>5.65</i>

In refusing appeal APP/C1570/W/18/3213251, agricultural land west of Great Canfield Road, Takeley, Uttlesford, Essex, the Inspector noted that:

77. “The Council cannot at this point demonstrate a 5YHLS, but this does not override the development plan, nor does it confer approval at all costs. Planning is fundamentally about managing change in a sustainable way, and the principles of good planning must be retained.”

The fact that a 5 year housing supply is not currently demonstrated through the simplistic calculation is not therefore an acceptable argument for building houses in the wrong place, especially when the motivation is profit over genuine community benefit.

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 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 impact on our local community and infrastructure is such that additional housing should not be allowed. We urge you to refuse this application.

Should the Delegated Officer be minded to approve this application, Felsted Parish Council request that the application be “called in” to be considered by the Planning Committee.



[UTT/19/3023/LB](#)

Larks Bannister Green

Internal alterations - removal of wall between Kitchen & Dining Room

No Comment

[UTT/19/2884/CLE](#)

25 Chestnut Walk Garnetts Lane

Certificate for lawful use for conversion of garage to utility room.

No Comment

6. New Appeals

[UTT/19/1288/FUL](#) (APP/C1570/W/19/3238389)

Land Adjacent To Cemetery (Gransmore Meadow) Chelmsford Road

Erection of 2 no. single storey bungalows, associated garaging and parking area to serve adjacent cemetery.

Comment: Objection. This application is almost identical to application UTT/19/2241/FUL below and the PCs objections to this application also stand for UTT/19/2241/FUL.

The PC continues to object to this application. Our reasons for objecting to the original application are still strongly held.

In addition we point out that this application will result in the suburbanisation of the area surrounding a country burial ground next to a meadow!

We also have concerns about the parking area. Who will own it and maintain it? Who will lock it up to prevent inappropriate use?

The Appeal Inspector, in approving the build of 9 houses in the area adjoining the appeal site, stated that “the retention of the southern part of the paddock alongside the cemetery would prevent coalescence”. This is the area now being applied for and so, should this application be approved, the protection against coalescence would be lost.

In the appeal, weight is placed 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.

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Target plus shortfall / surplus	$2,991 - 731$	2,260
5% of target plus shortfall / surplus	$2,260 \times 0.05$	113
Overall target	$2,260 + 113$	2,373
Supply – years 2019/20 – 2023/4	$432 + 482 + 739 + 592 + 437$	2,682
% of target available of deliverable sites	$(2,682 / 2,373) \times 100$	113.02%
Supply in years	$(2,682 / 2,373) \times 5$	5.65

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[UTT/19/2241/FUL](#) (APP/C1570/W/19/3241210)

Land Adjacent To Cemetery (Gransmore Meadow) Chelmsford Road

Erection of 2no. single storey 2 bedroom wheelchair adaptable bungalows, permissive footpath and parking area to serve adjacent cemetery.

Comment: Objection. See UTT/19/1288/FUL above.

7. **Decisions received since 19 November**

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

12 Evelyn Road Willows Green

Entrance lobby extension.

Permission Granted 25th November 2019

[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).

Permission Granted 25th November 2019

[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.

Permission Refused 25th November 2019 *“the proposed works would, by virtue of their scale, form and design cause significant harm to the character and appearance of the existing listed building and conservation areaand to the character and amenities of the surrounding areafails to show that the amenity of the neighbouring properties would be protected.would not meet the adopted parking standards.”*

[UTT/19/2489/HHF](#)

Holly House Causeway End Road

Demolition of garage, utility, wc, front porch & rear room. Erection of two storey rear extension and two storey front extension.

Permission Granted 10th December 2019

[UTT/18/3238/FUL](#) / [UTT/18/3239/LB](#)

Graunt Courts Felsted

Reinstatement of historic and original driveway to Graunt Courts. Erection of detached garaging. Conversion of barns one and two into a single dwelling, including the partial removal of later addition to barn two and erection of single story extensions. Conversion of barns three and four into a separate dwelling, including small link extension uniting buildings. Associated landscaping works and alterations.

Permission Granted 13th December 2019

8. **NEGC Inspector review 21/22 January**

Cllr Bennet has liaised with Matt O’Connell and the ‘All Parish Group’ to create the Stansted elements to the objection to WoB, which would be presented by the consultant, Malcolm Alsorp. FPC has a chair at the Inspector’s table and, in Cllr Bennett’s absence it was agreed that Cllr Learmonth would attend.

9. **Date and time of next meeting:**

This is one week earlier than usual and will be on Tuesday 14th January in the URC Hall at 7.30pm

..... Chairman

14 January 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>