

FELSTED PARISH COUNCIL

Minutes of the Planning Meeting held on Tuesday 21 July 2020 electronically 6 pm

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

1. Apologies for Absence

Apologies were received from Cllr Graham Harvey

2. Declarations of Interest

Cllrs Richard Freeman and Roy Ramm both declared that they had neighbours submitting applications. Cllr Freeman listed UTT/20/1395/HHF Beacons Cobblers Green Causeway End Road/ UTT/20/1462/HHF Corn Barn Cobblers Green Causeway End Road and UTT/20/1730/HHF Brook Cottage Cobblers Green Causeway End Road.

Cllr Ramm noted UTT/20/1432/HHF Mariskalls Mill Road.

Neither councillor were declaring an interest in the above applications as they had no pecuniary or vested interest in any of them.

3. Public Forum

There were no members of the public in attendance. Assistant Clerk read out a letter on behalf of a resident relating to an application.

4. Approval of Minutes of previous Meeting

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

5. New Applications Considered

[UTT/20/1442/HHF](#)

Foresters Jollyboys Lane North

Proposed alterations and extensions

Comment: The PC recognises that this application reduces the impact on the neighbouring property from the excessive bulk of the previous refused designs.

[UTT/20/1432/HHF](#)

Mariskalls Mill Road

Proposed 3-bay detached garage, with first floor accommodation for home office/studio

No Comment

[UTT/20/1421/FUL](#)

Thorpes Frenches Green

Proposed erection of single dwelling with garage together with replacement cartlodge and associated landscaping work (amended scheme to that approved under planning permission UTT/18/3019/FUL)

Comment: Objection. The PC prefers the original approved design UTT/18/3019/FUL which was much more appropriate and more in keeping with the location alongside a Grade II Listed Building. We believe the new proposed design is not in keeping with this location in its design and bulk.

[UTT/20/1395/HHF](#)

Beacons Cobblers Green Causeway End Road

Proposed single storey rear extension

No Comment

[UTT/20/1389/HHF](#)

Pankinya Cock Green Road

Proposed timber gate and rendered piers

No Comment

[UTT/20/1328/HHF](#)

29 Ridley Green Hartford End

Proposed raising of height of rear garden wall to 3m.

Comment: Objection. This is an inappropriate unsightly high wall in a domestic environment. It would result in an unacceptable blocking out of the evening light for the social area of the flats next door. It will hinder the design principles of that area, which was only recently built as a community, which is to give residents of the block of flats the facility of a pleasant grassed outside area in which to socialise in the evening sun. They have every right to the amenity of light in the evening and the building of this wall would deny them this right.

[UTT/20/1462/HHF](#)

Corn Barn Cobblers Green Causeway End Road

Erection of garage / cart lodge.

No Comment

[UTT/19/1848/LB](#)

Cressages 2 Cressages Close Bannister Green

Extension and conversion of integral garage to bedroom and bathroom.

No Comment

[UTT/19/2225/HHF](#)

Cressages 2 Cressages Close Bannister Green

Extension and conversion of integral garage into bedroom/bathroom. Erection of veranda/decking area.

No Comment

[UTT/20/1562/HHF](#)

Brooklands Stebbing Road

Proposed two storey and single storey side and rear extensions, alterations and landscaping

Comment: Given that the property is semi-detached, the PC has some concerns that the design is not sympathetic to the adjoining property.

[UTT/20/1647/HHF](#)

Mulbury House Bannister Green

Amendments to existing porch and change of roof to existing ground floor extension.

No Comment

[UTT/20/1730/HHF](#)

Brook Cottage Cobblers Green Causeway End Road

Proposed works to existing residential outbuilding to create annexe accommodation for family occupation.

No Comment

6. New Appeals Considered

[UTT/20/0097/FUL](#) (APP/C1570/W/20/3248967)

Pond Park Farm Cock Green Cock Green Road

Retrospective application for variation of condition 1 on UTT/19/1718/FUL (within 3 months of the date of permission the roof will be clad with natural slate) to within 3 months of the date of permission the existing roof of barn "J" shall be painted black.

The PC did not object to the original application and will therefore not make any comment to the Planning Inspectorate.

[UTT/19/3120/OP](#) (APP/C1570/W/20/3250136)

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. Felsted Parish Council continues to strongly object to the new dwellings proposed in this appeal.

Felsted Neighbourhood Plan

*Under 5.68 the appeal statement says that the Felsted Neighbourhood Plan has not yet been adopted and so is not considered in the appeal statement. **This is wrong.** Since the original application, and the subsequent refusal by Uttlesford District Council, the Felsted Neighbourhood Plan has been made. This is some 2 months before this appeal was submitted. It can be read in full here:*

<https://www.felstednp.org.uk/wp-content/uploads/Felsted-NP-Ref-version.pdf>

or:

https://www.uttlesford.gov.uk/media/10141/Felsted-Neighbourhood-Plan-Made-25-February-2020/pdf/Felsted_NP_2018-2033-a.pdf?m=637184188875530000

The Felsted Neighbourhood Plan supports the building of 63 new dwellings in carefully researched locations and which provide valuable facilities for the village. The appeal site fails to comply with policies HN5 and HN6 for supported building of additional dwellings outside of Village Development Limits and must not therefore be allowed if the Neighbourhood Planning process is to be recognised, supported and valued.

UDC 5/3 year housing supply

The appellant places great weight on the lack of a 5 or 3 year housing land supply.

However, if one looks at the detailed housing supply within UDC, there has in fact been a significant oversupply of 977 houses in the last 3 years. Perversely, UDC's delivery of target housing numbers way ahead of schedule has had the consequential affect that the number of houses now scheduled for delivery in the coming 5 years has fallen, causing the future housing supply to fall below 3 years.

The fundamental cause being the earlier than anticipated build out of these 977 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 by any reasonable measure should be allowed, the true figure would be in excess of a 5 year supply (estimated by UDC at 5.65 years). It is therefore wrong to effectively penalise the Council, or Felsted

Parish (who will be adding a further 63 homes via the Neighbourhood Plan), for what is actually an 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.*

So there are very good reasons why, using a basic calculation mechanism, UDC's 5 year (and 3 year) HLS has fallen but in real terms their delivery rate is far better than that basic calculation suggests and does not justify diminishing the significance of a "plan-led", well considered and community supported Neighbourhood Plan.

In addition, the lack of a 3 year HLS should not be justification for bad planning decisions which, once made are permanent and irreversible and should not be accepted as good reason to dismiss Neighbourhood Plans, as has been done in this appeal.

Unsustainable Location

Under 5.4 of the appeal statement, the appellant states that the site is not in an unsustainable location due to its proximity to Rayne. However, they fail to recognise a number of recently rejected appeals for developments along School Road in the vicinity of Concord Farm, which have all been rejected as unsustainable due to their poor access to facilities in Rayne. These include:

*APP/Z1510/W/18/3199219, Erection of 2no. four bedroom dwellings, Land Adjacent to Mill House, School Road, Rayne, Braintree, CM77 6SS. **This site is closer to Rayne than the appeal site but was still rejected due to its distance to services in Rayne.***

*APP/C1570/W/19/3235176, , 'South of Oaklea House', School Road, Rayne, for 2 dwellings, UTT/19/0827/FUL. **This site is directly opposite the appellant site and was again rejected as unsustainable due to its distance to services in Rayne.***

Traffic survey

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. 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.

In summary

Felsted Parish Council continues to object to this site being developed for housing. It is an unsustainable location, as ruled by 2 different Inspectors judging 2 nearby sites, and it fails to comply with the made Felsted Neighbourhood Plan.

Finally, the lack of a 5/3 year housing supply must not be accepted as justification for allowing poorly located housing. 4 houses will make an inconsequential contribution to the housing supply calculation, but the unsustainable location of these 4 houses will impact future residents forever.

[UTT/19/2994/OP](#) - (APP/C1570/W/20/3252134)

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 strongly objects to this application and fully support Uttlesford District Councils (UDC's) refusal for the robust and defensible reasons stated in their 4th February 2020 refusal document.

We believe the site is in an unsustainable location, that access does not meet the necessary Highways safety criteria (see comments below regarding questionable methodology of applicants speed survey), that the design and access shows no regard for the vernacular build pattern and that there are conflicts with the NPPF, UDC's Local Plan and the Felsted Neighbourhood Plan (FNP), for the reasons outlined below.

Impact on the historical environment

The site in question is outside the Village Development Limit (VDL) of Causeway End. The introduction of a suburbanising 5.5 metre wide (the likely required Highway Authority specification) entrance into a back-land development at this location where Causeway End Road build form is entirely linear shows a total disregard for the vernacular of Causeway End Road. It would unacceptably change the gradual transition from the existing linear build grain into open countryside with an incongruous urbanising new road junction, with no respect for the natural and historic environment. The application conflicts with Policy FNP FEL ICH/1 as it does not "*respect the integrity of the historical settlement patterns*" or represent "*sensitive treatment of the rural edge particularly around Felsted village*".

Highway safety and access

The ability to meet required visibility splays of a new access road is questionable. In their Statement of Case 3.20, the applicant acknowledges that Essex County Council (Highways) stated that "*there may be an issue for highway safety*" as the 85th percentile speed of traffic was not known and ECC Highways said that a traffic speed survey would be required. The applicant then states that their "*survey shows that the average speed passing the site is under 30 mph*". However, it should be noted that in the submission by Essex County Council – Highways, dated 17th January 2020, it clearly states that that "*speed surveys should be taken at the extent of the claimed visibility splays*".

As confirmed in the ATC Summary Report (appendix 3) showing the speed assessment site location (and confirmed by local residents) the survey was undertaken at a single point only *within* the 30MPH limit and therefore, the results do not record or reflect the 85th percentile speed of traffic *approaching* the site from either direction and in particular from the east, within the 40MPH visibility splay.

In addition to the unidentified 85th percentile speed of approaching traffic, the applicant's appendix 4 drawing appears to show that in an easterly direction, whilst the nearside (southern) verge can be viewed, the majority of the carriageway would be obscured beyond just a few metres.

The questionable visibility splay is supported by the photograph below. This shows the visibility splay looking eastwards from the existing "temporary" access viewed at 2.4 metres from the road edge. It is very important to note that as the photograph shows, the hedge of the adjacent field **which is outside the control of the applicant** has been cut back (*by person or persons unknown!*) to improve the desired sight line. Prior to this hedge being cut back, it extended in depth, almost to the road verge (as it does for the remainder of its entire length

along the road/field) and it was therefore, prior to being cut back, much closer to the 40MPH sign. Under these circumstances, as can be seen from the photograph below, had the hedge not been cut back (*by persons unknown!*), visibility of approaching traffic which could legally be travelling at 40MPH would be impossible or at the very least, greatly reduced. Again, we would emphasise that this cut back field hedge **is not within the control of the applicant.**



Visibility looking eastwards viewed from 2.4 meters back from road edge. The hedge, outside the control of the applicant, which has been cut back (by person or persons unknown!), previously extended towards the 40mph sign.

Visual amenity

The irreversible impact on the visual amenity by the introduction of the necessarily highly engineered and suburban style of junction at this sensitive rural location would be wholly inappropriate.

The application conflicts with numerous Policies of the NPPF, the UDC Local Plan and with Policies FEL/HN5, and FEL/HN7 of the recently “Made” Felsted Neighbourhood Plan (FNP). The FNP supports certain development outside the VDL’s, but only where specific criteria are met. This application fails to meet any of these criteria.

The applicant summarily dismisses the FNP as if it is irrelevant because UDC is unable to demonstrate a 3 year housing land supply (HLS). Whilst it may be correct to say that UDC’s failure to demonstrate a 3 year HLS prevents elevation of the FNP to become the principal planning decision document under the NPPF Paragraph 14, the FNP nevertheless remains a significant material consideration in any planning assessment. The FNP, developed over 5 years with significant community consultation, supports the delivery of 63 dwellings towards UDC’s 5 year HLS. Policies within the Plan support certain development but resist inappropriate development, particularly in the green open countryside spaces between the hamlets and beyond the VDL’s such as the application site.

The Felsted Neighbourhood Plan can be accessed at either:

<https://www.felstednp.org.uk/wp-content/uploads/Felsted-NP-Ref-version.pdf>

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https://www.uttlesford.gov.uk/media/10141/Felsted-Neighbourhood-Plan-Made-25-February-2020/pdf/Felsted_NP_2018-2033-a.pdf?m=637184188875530000

In addition, the applicant seems to ignore the requirements of the NPPF Paragraph 11 b) i. & ii. as there is no indication of any objectively assessed local need for 5 more “Executive” style homes. This contrasts with the FNP which supports the delivery of the 1 & 2 bedroom homes and bungalows (Policy FEL/HN7), suitable for first time buyers and “downsizing” in addition to a number of “affordable” homes, all of which were identified as lacking in the Parish, during extensive community consultation. Unlike the application site, these 63

homes are located in “sustainable” locations on sites that are served by pavements and bus services, providing safe access to village services without reliance on vehicular transport. The lack of a 3 year HLS should not be justification for bad planning decisions which, once made are permanent and irreversible, changing the historical settlement pattern and character of the Parish.

Indeed, there are many examples of recent Appeals in Uttlesford where Inspectors have dismissed Appeals whilst fully acknowledging the lack of UDC’s 3 year HLS.

Examples are;

Appeal No. 3236869 - Land Adjoining Lower Farm Cutlers Green - Thaxted

Summarising, the Inspector said; “*The Council are currently unable to demonstrate a five-year housing land supply, with the shortfall being serious, at around 2.68*”, and went on to say, “*The proposed development would be contrary to the development plan...and for the reasons given, the appeal fails*”.

Appeal No. 3235257 - Land at Bigods Lane - Gt. Dunmow.

Summarising, the Inspector said; “*I understand that the District currently has a 2.68 year housing land supply, which represents a significant shortfall.....however.....having identified conflict with saved Policy S7 of the Local Plan.....it fails to recognise the intrinsic character and beauty of the countryside*”, concluding “*For the reasons set out, the appeal is dismissed*”.

So Appeal Inspectors, fully aware of the 2.68 year Housing Land Supply, have dismissed Appeals for sound reasons in line with the NPPF.

UDC 5/3 year housing supply

The appellant places great weight on the lack of a 5 or 3 year housing land supply.

However, if one looks at the detailed housing supply within UDC, there has in fact been a significant *oversupply* of 977 houses in the last 3 years. Perversely, UDC’s delivery of target housing numbers way ahead of schedule has had the consequential affect that the number of houses now scheduled for delivery in the coming 5 years has fallen, causing the future housing supply to fall below 3 years.

The fundamental cause being the earlier than anticipated build out of these 977 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 by any reasonable measure should be allowed, the true figure would be in excess of a 5 year supply (estimated by UDC at 5.65 years). It is therefore wrong to effectively penalise the Council, or Felsted Parish (who will be adding a further 63 homes via the Neighbourhood Plan), for what is actually an *over-delivery* of homes.

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

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delivery of 496 homes (2017/18) and 571 homes (2018/19), whereas actual delivery was 966 and 983 homes respectively.

So there are very good reasons why, using a basic calculation mechanism, UDC's 5 year (and 3 year) HLS has fallen but in real terms their delivery rate is far better than that basic calculation suggests and does not justify diminishing the significance of a "plan-led", well considered and community supported Neighbourhood Plan.

Sustainability

The applicant claims that the site is in a "sustainable" location, despite UDC considering it otherwise for the clear reasons stated in the UDC refusal document. Causeway End Road has no pavements or street lights and therefore access to any local facility including the very infrequent bus service via Chelmsford Road is poorly served. The applicant misleadingly states in their Statement of Case (SOC) at 3.13, that the village centre facilities include "education". This is disingenuous as they conveniently fail to mention that this is only the private, fee paying Felsted School. Felsted village Primary School is over 2 miles away in Watch House Green and the only secondary schools are several miles away in either Great Dunmow or Braintree. Therefore access to all state education is totally reliant on vehicular transport. For the many reasons stated this is in conflict with NPPF Paragraph 8 b. It should also be noted that of the examples of "allowed" Appeals in the Parish quoted by the applicant (Land South of Braintree Road, Clifford Smith Drive, Land to the rear of Maranello), all are within just a few hundred metres of the Primary School and all have access to other village amenities served by pavements and street lights and each has a bus services passing immediately next to the specific site. Therefore, whilst their inclusion as some sort of justifying evidence is misleading, once the dissimilarities in terms of the more suitable location of each of these "allowed" sites is recognised, it only serves to emphasise the comparative unsustainability of the application site.

Supplementary related sustainability information.

The land almost directly opposite this site and adjacent to "The Bungalow" was the subject of a very similar planning application (also for 5 "Executive" type homes) less than 2 years ago. This was also refused by UDC and was subsequently dismissed at Appeal for being in an unsustainable location.

Appeal Ref: PP/C1570/W/17/3191635.

The dismissal included references to the negative impact on the "intrinsic character and beauty of the countryside" and most importantly, the Inspector said of the site (quite literally just a few meters away from the application site but on the opposite side of the road)....***"I conclude that the proposal would not gain the presumption in favour of sustainable development as set out by the Framework and that the appeal should be dismissed"***.

The Inspectors judgement for that Appeal less than two years ago, supports and confirms the view of UDC and Felsted Parish Council that this cannot be considered a "sustainable" location for development when assessed against the policies in the NPPF Framework taken as a whole.

Ecology and biodiversity

In their SOC, the applicant frequently refers to the site as being a "paddock". It is not a paddock and never has been a paddock. For several decades it was uncultivated land which was home to a wide variety of wildlife. The site was completely denuded of all vegetation and wildlife in 2019, with a total disregard for the flora and fauna that might have been evident with the consequential negative impact on local biodiversity. This is in conflict with NPPF Paragraph 8 c.

Therefore, the cynical inclusion of the "Preliminary Ecological Appraisal" by T4 Ecology Ltd dated November 2019 can only be viewed as an attempt to falsely demonstrate environmental

consideration when in reality, as the photographs included in that appraisal show, every trace of flora and fauna had already been totally eradicated from the site before the appraisal was commissioned. Had this appraisal been undertaken *before* the total eradication all traces of vegetation and associated wildlife, the report may be afforded greater credibility but then on the other hand, if objectively completed prior to the site being completely stripped bare, it would almost certainly have reached entirely different conclusions?

The photograph below, shows the site in 2019 when the unconsented (since temporarily approved only for drainage work) access was created. As can be seen, this was certainly not a paddock.



Reference to Google Earth – Street View also shows the site as captured in 2009 (URL below). This shows how the site was for many decades and how it remained until it was stripped bare in 2019. Again, as can be seen, it was not then and never has been a paddock! URL for Google Street View.

https://www.google.co.uk/maps/@51.8489846,0.4437267,3a,75y,354.23h,79.27t/data=!3m6!1e1!3m4!1sI6GTEaxGm_ONhzKhCYD13A!2e0!7i13312!8i6656?hl=en

For the many reasons given, Felsted Parish Council urges you to dismiss this Appeal.

7. Decisions received since 16 June

[UTT/20/0433/HHF](#)

Larks Bannister Green

Proposed conversion of existing garage barn to form 2 bedroom self contained annex

Permission Granted 25th June 2020

[UTT/20/1020/FUL](#)

Riverside Books Ltd Pyes Farm Mole Hill Green Molehill Green Road

Demolition of existing B8 (storage and distribution) use buildings and erection of new B8 use buildings.

Permission Granted 8th July 2020

[UTT/20/0433/HHF](#)

Larks Bannister Green

Proposed conversion of existing garage barn to form 2 bedroom self contained annex

Permission Granted 25th June 2020

[UTT/20/1020/FUL](#)

Riverside Books Ltd Pyes Farm Mole Hill Green Molehill Green Road

Demolition of existing B8 (storage and distribution) use buildings and erection of new B8 use buildings.

Permission Granted 8th July 2020

[UTT/20/0072/LB](#)

George Boote House Chelmsford Road

Internal alterations and refurbishment (Ground Floor Only) including the addition of new toilets to ground floor restaurant.

Permission Granted 16th July 2020

8. Appeal Decision received since 16 June

[UTT/19/2572/OP](#)

Land At 39 Evelyn Road Willows

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

Appeal Allowed 14th July 2020

9. Sunnybrook Site

This planning application is proceeding and is expected to be submitted in the near future.

10. Other Urgent Planning Business:

Cllr Bennett advised that the Stansted expansion planning application has been taken to appeal.

11. Date and time of next meeting:

Tuesday 18 August electronically at 6 pm

..... Chairman

18 August 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>