

FELSTED PARISH COUNCIL

Minutes of the Planning Committee Meeting Tuesday 17th August on-line at 6 pm

Attending: Councillors Richard Freeman (Chairman), Alec Fox, Andy Bennett, Penny Learmonth and Roy Ramm. In attendance Clare Schorah - Assistant Clerk

1. Apologies for Absence

Apologies were received from Cllr Graham Harvey

2. Declarations of Interest

There were no declarations of interest

3. Public Forum

There were no members of the public present

4. Approval of Minutes of Previous Meeting

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

5. New Applications to be considered as at 9th August

[UTT/21/2109/HHF](#)

Limeen 25A Station Road

Conversion of existing loft space to provide 2 additional bedrooms and bathroom/shower room. Provision of pitched dormer windows to rear elevation and Velux style roof windows to front elevation

No Comment

6. New Appeals to be considered as at 9th August

[UTT/21/0079/OP](#)

Appeal Ref: APP/C1570/W/21/3272768

Land East Of Bannister Green Rayne Road

Outline application with all matters reserved except access and landscaping for the erection of 9 no. detached dwellings

Comment: Felsted Parish Council submitted a vigorous objection to the original application. We will not repeat our reasons or objections here but would ask that the Inspector takes full account of the comments in our original submission and urge the Inspector to dismiss the Appeal for the many robust and defensible planning reasons previously stated.

At a meeting of the Uttlesford District Council (UDC) Planning Committee on 12th May 2021, the Committee, whilst recognising that the applicant had appealed due to non-determination, set out the putative reasons they would have refused the application had the decision been declared within the anticipated determination deadline.

This Appeal is only possible due to UDC's "non-determination" of the original application. The application is in clear conflict with up to date "plan led" policies and it should not be acceptable to allow an appeal due to such an irregularity when UDC Officers, like so many organisations and authorities have been working under huge pressure as a consequence of Covid 19 restrictions.

One reason UDC give for refusal is conflict with their Policy S7 which states that “the countryside will be protected for its own sake, and that planning permission will only be granted for development that needs to take place there, or is appropriate to the rural area”.

The ULP is extant, albeit 2005 but policy S7 is consistent with the NPPF, as both seek to protect and enhance the character of the countryside and Policy S7 is consistent with the Framework’s aims with regard to the countryside, such that it must be given substantial weight. The application site is outside the recognised Village Development Limit (VDL) and there is no “need for it to be there” as required by Policy S7.

We are also particularly concerned that in addition to conflict with UDC and NPPF policies, that the conflict with policies in the fully “Made” Felsted Neighbourhood Plan (FNP) must be recognised.

*It should be noted that in the applicants original Planning supporting statement dated December 2020, the FNP **was not mentioned a single time** despite the Plan (then) having been fully “Made” for less than a year and the application being in clear conflict with a number of policies in the FNP.*

Conversely, in the “Appellant’s written representation statement of case”, dated August, 2021 submitted as a supporting document to this appeal the applicant now references the FNP no less than 19 times.

These repetitive references to the FNP are, in the main, blatant attempts to devalue the FNP. Indeed the applicant seems intent on trying to convince the Inspector that the FNP should be considered irrelevant due to UDC having withdrawn their “draft” updated iteration of the Local Plan describing the FNP as “a satellite” to the withdrawn Local Plan and suggesting that without a Local Plan in place there can be “identified housing need” for the FNP to meet.

This is absurd and it was clearly not the opinion of the Independent Examiner who confirmed that the FNP met every requirement of the Localism Act 2011 – (PGA’s 2011 c. 20 Schedule 10- 4b) and it should be noted the FNP was fully “Made” after the UDC emerging Local Plan had already been withdrawn. So far from being irrelevant, it is in fact the most up to date and significantly weighted component of the Statutory Local Development Plan.

In addition, as part of the Neighbourhood Plan process an independent “housing needs survey” was undertaken by the Rural Community Council of Essex (RCCE) so local housing needs were fully up to date and support for appropriate housing, specifically recognising local need, was a key objective of the FNP.

The applicant’s repeated determination to discredit the FNP could, of course, be interpreted as an indication that they actually recognise that their application is in clear conflict with what is an important consideration in planning terms and as a consequence, should inevitably justify dismissal of this Appeal. Felsted Parish Council wishes to highlight to the Inspector that the FNP must be considered a substantial “material consideration” and contrary to the dismissive attitude of the

applicant, must be recognised as a key mechanism in generating a nett contribution to UDC's 5 Year Housing Land Supply (YHLS).

Neighbourhood planning groups are under no statutory obligation to allocate sites for housing within emerging neighbourhood plans. However, the FNP Steering Group recognised that we should contribute towards the "strategic" District wide housing requirements of both UDC's 5 YHLS and identified local housing need.

Within UDC's withdrawn emerging "Local Plan" the most relevant indicated housing number for Felsted was an allocation of 134 dwellings spread across all 19 "Type A" villages throughout Uttlesford (of which Felsted is one), which would have been an average of 7 for each. For Felsted, 7 would have represented a nett % increase of around 0.54% additional dwellings.

The now a fully "Made" FNP, which is less than two years old and meets all of the requirements of the NPPF making it an "up to date" component of the Statutory Local Development Plan, supports 63 new dwellings in Felsted, a circa 5% increase in additional dwellings for Felsted and almost ten times the UDC Regulation 19 "emerging" Local Plan number. So to suggest that the FNP is not a significant contributor or is not responding to UDC's 5 YHLS and that as a consequence additional houses that are not supported by the FNP should be allowed is both illogical and disingenuous.

In fact, in the last 16 months (since April 2020) Felsted has had in excess of 165 new dwellings approved (38 of which were supported by the FNP), which represents a circa 13.2% increase in dwellings. In addition, the FNP supports a further 24 dwellings which are yet to go through the Planning application stage. Once included the increase for Felsted will be almost 15% overall.

These are not insignificant figures and the FNP which is contributing substantially towards UDC's "strategic" housing requirements must be respected.

We note that the appellants statement of case centres on a discrediting of UDC policies and HLS calculations which have been accepted and used in decision making by Planners and Planning Inspectors. For this simple reason the appeal is made on a bizarre basis and if accepted it would by definition question all recent Planning Inspector decisions where the 3.11 YHLS supply and determination of the Felsted Neighbourhood Plan as a principle planning document have been made.

The applicant, in questioning UDC's 3.11 YHLS, makes reference to a "long-terms shortfall in housing provision" (3.20), but this is not borne out by data. If one looks at UDC's April 2020 "Housing Completions and Trajectory", there was in fact an oversupply in the preceding years. This resulted in UDC failing to meet their 5 year housing land supply as the earlier than anticipated build out of these homes resulted 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 appropriate, the true figure would almost certainly be in excess of a 5 year supply.

This UDC publicly available data (UDC Housing Delivery Test and 5-Year Land Supply Statement - January 2021), shows the following:

- *Housing delivery in the years 2018/2019 approached 1,000 dwellings per annum.*
- *This was around twice the average level of delivery for preceding years and was a very high number of completions for the district*
- *Using a “standard methodology” criteria, the housing trajectory anticipated delivery of 706 homes (2017/18) and 706 homes (2018/19), whereas actual delivery was 966 and 985 homes respectively.*
- *The housing trajectory anticipated for the year 2019/20 was also for delivery of 706 homes whereas actual delivery was 522 homes, with the shortfall attributed to Covid 19.*

*As can be seen despite the 2019/20 shortfall due to Covid 19, there was still an **over-supply** of 355 dwellings and in addition, the (then) latest Housing Delivery Test (HDT) for Uttlesford (measured in 2020), indicated that there had been 124% of the required delivery in the previous three years.*

As the above completions were earlier than anticipated, had the sites been delivered slower they would have been capable of being counted towards the five year housing supply as future delivery. Therefore, if the surplus is not carried forward, the fact that sites were been built out more quickly it effectively punishes the Council for the speedier delivery of these homes. This is not logical and if the surplus is not taken into account, UDC (and potentially our community) are being penalised for “over-delivery”.

We would add that regardless of how one might chose to interpret these figures, nowhere does the NPPF countenance dwellings being built in an inappropriate location to simply achieve targeted numbers or because an anticipated decision deadline has been missed, especially as in this case, where there is no evidence to support the applicant’s allegation of a “long-terms shortfall in housing provision”.

It is noted that the applicant spends considerable effort in their “written representation statement of case” under “Other matters: third-party objections”, questioning why there were what was described by the UDC Planning Officer as an “overwhelming” number of local residents objections. This completely misses the point that the reason there is so much local opposition is because the Felsted community engaged fully with the Neighbourhood Plan process, accepted the need to contribute to UDC’s 5 YHLS within the FNP and agreed to support the delivery of 63 dwellings and associated infrastructure.

Unsurprisingly, our community does not want yet even more executive dwellings in open countryside outside the recognised planning envelope which the “Made” FNP does not support.

More than once the applicant accuses both UDC Planning and the FNP of a “cat and mouse game” in trying to resist this unwanted development but then employs exactly those tactics by producing a “written representation statement of case” containing flawed arguments against the principles and values of Neighbourhood Planning, localism and the engagement of our community in planning matters and future development.

The application conflicts with Uttlesford Local Plan - Policy S7 and policies FEL/CW1, FEL/ICH4, FEL/HN5 of the fully "Made" Felsted Neighbourhood Plan.

Felsted Parish Council urges the Inspector to dismiss this Appeal for the numerous reasons stated in both this submission and our original objection.

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Note: The Felsted Neighbourhood Plan can be found at:

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

Note: The UDC Housing Delivery Test and 5-Year Land Supply Statement - January 2021, can be found at:

[https://www.uttlesford.gov.uk/media/10659/Housing-Trajectory-and-Five-Year-Land-Supply-1-April-2020-January-2021-/pdf/Housing_trajectory_5YLS_Statement_1_April_2020_\(Jan_2021\)\(A\)1.pdf?m=637473492369830000](https://www.uttlesford.gov.uk/media/10659/Housing-Trajectory-and-Five-Year-Land-Supply-1-April-2020-January-2021-/pdf/Housing_trajectory_5YLS_Statement_1_April_2020_(Jan_2021)(A)1.pdf?m=637473492369830000)

7. Decisions received since 20th July

[UTT/21/1561/FUL](#)

Cromwell House Willows Green

Demolition of outbuilding and Erection of 1 no. bungalow and detached garage

Permission Refused - 21st July 2021 *'it will harm the setting of the host listed building at Cromwell House, and the character and appearance of the surrounding area as the proposal fails to preserve the special interests of the listed building. More specifically, the proposed bungalow is large in scale and massing and therefore detracts from the primacy of the listed building'*

[UTT/21/1891/FUL](#)

Glan Howy Bannister Green

Erection of 1 no. detached dwelling

Permission Refused - 28th July 2021 *'The proposed development, by reason of its scale, height, siting and design, would result in a harmful impact to the character of the site and will not be compatible with the existing layout of the settlement... The proposed two-storey dwelling would result in a dominating and imposing feature and would diminish the sense of place and local distinctiveness of the site. The siting and construction of the dwelling, as shown, is not compatible with the existing pattern of development.. The development at this site would therefore negatively impact on the understanding of the historic value of heritage assets.'*

[UTT/21/1824/LB](#)

Stroods Stevens Lane

Repairs to roof and guttering

Permission Granted - 26th July 2021

[UTT/21/1714/LB](#)

Cobblestones Chelmsford Road

Repair to kitchen window, replacement of study and bathroom windows

Permission Granted - 26th July 2021

[UTT/21/1402/HHF](#)

Peverils Bannister Green

Proposed raising of existing roof to provide first floor living accommodation, two storey rear extension and replacement garage.

Application Withdrawn - 28th July 2021

[UTT/21/1288/HHF](#)

61 Station Road

Part two storey, part single storey rear extension and internal alterations

Permission Granted – 29th July 2021

[UTT/21/1909/FUL](#)

Wytewais Gransmore Green

Proposed erection of 1 no. dwelling with associated parking, landscaping and creation of a new access. Revision to that approved under UTT/18/1200/FUL

Permission Granted – 6th August 2021

[UTT/21/1526/HHF](#)

Taverners Barn Crix Green

Proposed installation of 2 no. external Air Source Heat Pump units to serve the existing dwelling and approved link extension, and the proposed new approved Cartlodge

Permission Granted – 3rd August 2021

[UTT/21/1267/FUL](#)

Brook Cottage Gransmore Green

Variation of condition 2 (approved plans) attached to UTT/18/3408/FUL (Appeal Ref: APP/C1570/W/19/3234837) to vary plans for plot 2

Permission Granted – 10th August 2021

8. Chelmsford City Council Local Plan Consultation

It was noted that a consultation which will inform a Housing Strategy for Chelmsford for the period 2022-2027 is taking place.

9. Stebbing Neighbourhood Development Plan Consultation

Stebbing Parish has submitted a Plan Proposal to Uttlesford District Council and a consultation on this is taking place. It was noted that an indicative housing figure had been supplied to Stebbing by Uttlesford District Council (UDC) in this process and that UDC had been unable to supply one to Felsted during the development of their Neighbourhood Plan.

10. Consultation on the Draft Submission of the Saffron Walden Neighbourhood Plan

It was noted that a focussed consultation on the Draft Submission of the Saffron Walden Neighbourhood is taking place.

11. Draft Local Plan - Uttlesford DC

The Clerk wrote a letter to Cllr Bagnall ([click here to read the letter](#)) with feedback on the Zoom meeting to update local Parish and Town Councils on the emerging Local Plan progress and to discuss submissions under “Call for Sites” which took place in July.

Cllr Bagnall responded to let the Parish Council know that he is taking advice on the points raised in the letter and he thanked them for their feedback.

Draft Local Plan Braintree DC

There was no comment on the Braintree DC Draft Local Plan

12. Other Urgent Planning Business and Future Dates

The Assistant Clerk passed on a message of thanks to the committee from a resident for its 'substantial and robust' response to the Appeal APP/C1570/W/20/3263184 Land to the West of Chelmsford Road (UTT/19/3091/FUL)

Next meeting scheduled for Tuesday 21st September at 6pm

..... Chairman 21st September 2021

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>