

FELSTED PARISH COUNCIL
Minutes of the Planning Committee Meeting
Tuesday 19th April on-line at 6 pm

Attending: Councillors, Andy Bennett, (Chairman), Alec Fox, Penny Learmonth, Andrew Parker. In attendance Clare Schorah - Assistant Clerk

1. Apologies for Absence

There were apologies for absence from Cllr Richard Freeman, Cllr Hwyl Jones and Cllr Roy Ramm.

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 March meeting were formally approved. They will be signed when the Planning Committee next physically meet.

5. New Applications to be considered

UTT/22/0755/FUL

The Oak House Bannister Green

Erection of 1no. detached dwelling, with associated curtilage, vehicular access from public highway, off-street car parking, and landscaping.

Comment: Development on this site has previously been refused and also dismissed on appeal, due to the adverse impact that such a development would have on the setting of the adjacent listed building (the former public house), The Three Horseshoes.

This application does not differ significantly from the previous application - UTT/21/3641/FUL, refused by UDC, two months ago (in February 2022). The reasons for refusal included that the development would have an unacceptable impact on the adjacent listed building by “fundamentally altering the context and setting within which the listed building is experienced and would compete visually with the listed building in prominence in longer views across the green”.

Whilst this revised application shows a reduced roof ridge height, this minimal change is not, in the opinion of Felsted Parish Council, sufficient to mitigate the unacceptable impact created by introducing a large dwelling within the historic open setting of this important local heritage asset.

As Felsted Parish Council pointed out with the previous application (UTT/21/3641/FUL), the applicant has not adequately addressed the Appeal Inspectors concerns and reasons given in a previous dismissal for a dwelling on this site, under Appeal ref: APP/C1570/W/16/3146791 (following refusal by UDC of application of UTT/15/3467/FUL) where the Inspector stated:

“The main issues in this case are:

- *The effect of the development on the setting of the adjacent listed building;*
- *The effect of the development on a protected tree within the appeal site; and*
- *The effect of the development on the character and appearance of the surrounding countryside”.*

These negative impacts remain. The previously dismissed application was for a modest two bedroom dwelling which, in the Inspectors opinion, was unacceptable and harmful to the setting of the adjacent Grade II listed building, The Three Horseshoes, yet this current proposal is again, like UTT/21/3641/FUL for a significantly larger 4 bedroom dwelling. No substantive justification or valid challenge has been given to support the overturn of the opinion of either the previous refusal by UDC just two months ago, or the earlier dismissal of the Appeal Inspector and his robust planning conclusions for what was a much smaller dwelling.

The proposal cannot be considered as sustainable as it does not “protect and enhance our natural, built and historic environment” i.e. the setting of the adjacent Grade II listed (former public house), The Three Horseshoes, as required by paragraph 8 (c) of the NPPF. It also conflicts with the obligation within Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, for “development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting”, as required by

The proposed dwelling, despite the reduced ridge height, would continue to have a significant, overbearing and negative impact, competing visually with the heritage asset that is the Grade II building - The Three Horseshoes. The edge of village setting of this historic local landmark should be protected and for it to be merged and coalesce with the established modern adjacent buildings, would be irreversible and harmful to this locally important listed building.

Felsted Parish Council also continues to have concerns on the potential impact on the protected tree located on the site.

It is for the reasons given above that the “Made” Felsted Neighbourhood Plan (FNP) includes Policies which protect heritage assets within Felsted Parish.

It is contrary to:

- *Policy S7 of the Local Plan (Building in the countryside – where permission will only be given for development that needs to take place there, or is appropriate to a rural area.*
- *Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.*
- *NPPF paragraph 197 (b) (the positive contribution that conservation of heritage assets can make to sustainable communities)*
- *Felsted Neighbourhood Plan Policies*
 - *FEL/ICH 1 – High Quality Design - “reinforcing or enhancing the positive aspects of Felsteds’ character” and for countryside locations “sensitive treatment of the rural edge particularly around Felsted village with regard to impact on heritage assets and their setting including the*

- surrounding landscape” and “all new build proposals outside the development limits must not harm their landscape setting”.*
- *FEL/HN5 - Residential Development outside Development Limits. This policy supports development outside the recognised Village Development Limits that meet certain criteria, but the application as proposed, does not meet those specific criteria.*

Felsted Parish Council is also extremely concerned that pre-application application correspondence dated 4th May 2021 and provided to the applicant on behalf of UDC, failed to make any reference to the Felsted Neighbourhood Plan which had been fully “Made” by a unanimous vote of the full Council of UDC just a little over a year previously on 25th February 2020. This application is in conflict with Policies in the FNP which on being “Made”, became an important constituent of the Local Development Plan and any pre-application opinion should not have omitted reference to the then current, relevant and important Policies.

It should also be noted that UDC confirmed in their Housing Trajectory and 5 Year Housing Land Supply (HLS) for the period 2019/20 to 2023/24 (January 2021) that they have in excess of a 3 year HLS.

Whilst the Felsted Neighbourhood Plan is now more than 2 years old and consequently the elevated status of paragraph 14 (a) of the NPPF does not apply as it did when the previous applications were made, the FNP (fully “Made” on 25 February 2020) and the policies within it, remain a fundamental component of the ULP and an important component of the statutory local development plan, carrying substantial weight.

It cannot be acceptable to repeatedly submit similar applications which conflict with both Local and National Planning Policies, following justifiable refusals and dismissals, in the expectation that eventually an application will be allowed. Other than a reduced ridge height nothing has changed sufficiently to overturn the previous, completely justified refusals.

Felsted Parish Council is unable to support this application and therefore objects for the reasons stated.

[UTT/22/0909/HHF](#)

Reedings Mill Road

Proposed first floor side extension, loft conversion with dormers and raising height of roof.
Comment: Felsted Parish Council does not object to this application if Uttlesford District Council are satisfied that there are no concerns from surrounding dwellings that the proposed third storey is not intrusive to the neighbours privacy.

[UTT/22/1032/FUL](#)

39 Evelyn Road Willows Green

Application to vary condition 10 (approved plans) attached to UTT/21/1917/DFO (added under UTT/22/0678/NMA) - addition of dormer windows on the garage.

No Comment

[UTT/22/1019/OP](#)

The Cottage Cock Green

Outline application, with matters of appearance and landscaping reserved, for the erection of 1 no. single-storey dwelling.

Comment: With the applicant's agent's apparent experience in Uttlesford District Council (UDC) planning it is somewhat surprising that no reference is made to the most recent and applicable policy documents.

The design and access statement makes no reference to, and so demonstrates no consideration of, compliance with policies within the Made Felsted Neighbourhood Plan (FNP).

With UDC able to demonstrate a 3 year (and improving) housing land supply, the FNP is of material consideration to this application and UDC has shown the FNP to be key to decision making.

It is possible that this application could comply with policies FN5 and FN6 of the FNP. However, without any demonstration of this, showing reason and justification to need to build outside of Village Development Limits, where the lack of facilities and access make the development unsustainable, Felsted Parish Council must object to the application.

Felsted Parish Council would however welcome and consider a further submission from the applicant should they believe they can show compliance with the Made Felsted Neighbourhood Plan.

6. Decisions received since 15th March

[UTT/20/3068/HHF](#)

Bury Farm Bury Chase

Demolition of summer house and erection of single storey outbuilding as incidental leisure accommodation and home office to main dwelling.

Permission Granted - 10th March 2022

[UTT/22/0239/FUL](#)

Stewart House Felsted School Braintree Road

Proposed widening of existing vehicular access.

Permission Granted - 23rd March 2022

[UTT/22/0237/FUL](#)

Lord Riche Hall Felsted School Braintree Road

Proposed erection of 10 no. temporary examination rooms on an annual basis, from 1st May to 31st July.

Permission Granted - 24th March 2022

7. Appeal Decisions received since 15th March

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

Cromwell House Willows Green Main Road

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

Appeal Dismissed - 25th March *'The main issues relevant to this appeal are: the suitability of the site as a location for a residential development, the effect of the development upon the*

setting of the Listed Building and the effect of the developments upon the character and appearance of the surrounding area'

8. New Appeals to consider

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

Appeal Ref: APP/C1570/W/21/3284569

Glan Howy Bannister Green Felsted

Erection of 1 no. detached dwelling

Comment: Whilst there is currently no written statement from the appellant outlining why they believe that the decision was wrong Felsted Parish Council's reasons for objecting to this application were strong and based on the Made Felsted Neighbourhood Plan (FNP) and Uttlesford District Council's Policies:

- *FNP Policy FEL/HN4 - Residential Development within Development Limits) which states that development should respect the character of the area in which it is located.*
- *ULP Policy GEN2 also advises the development should be compatible with the scale form and layout and appearance of the surrounding buildings.*
- *ULP Policies S3, GEN2, NPPF and the adopted FNP(February 2020) Policy HN4 - The proposal would cause harm to the character and appearance of the surrounding area as a consequence of failing to be compatible with the immediate settlements character of that part of Felsted.*
- *FNP H4 of the adopted 2005 Local Plan (Backland Development) states that such backland development will only be permitted where there would be no material overlooking or overshadowing of nearby properties and development would not have an overbearing effect on neighbouring properties.*

There is also the unresolved question of access as the site does not currently benefit from a Right of Access over the service road from Burnstie Road identified as the only access in the application. It is stated that a Right of Access would need to be granted by the Council if the application is allowed but this raises the question of how the application could be approved without absolute certainty that the new dwelling would be permitted an indefinite right of access? Felsted Parish Council is also concerned that the access road currently serves a communal car parking area for bungalows that have no other off road parking. Some of these bungalows have pedestrian access via a pavement to the front but their only current vehicular access is via the track and rear parking area.

If the appellant does submit a written statement challenging the many robust reasons for refusal Felsted Parish Council would request an appropriate extension to the deadline to allow time to consider further comments.

7. To note the response to Great Leighs Masterplan

Comment: Felsted Parish Council have concerns that the new roundabout being built at the top of Moulsham Hall Lane for the majority of vehicles at this development, could cause serious hold ups along Moulsham Hall Lane in respect of the residents of Felsted. Was the option of a slip road coming off the A131ever looked at and assessed as this would have less impact on Moulsham Hall Lane, or even both options would be better. It is imperative therefore that the existing Moulsham Hall Lane is widened and improved/resurfaced along

the length of the outlined development and up to Hornells Corner. This road is currently narrow and uneven with potholes on the edge, and it is therefore inadequate for any more traffic, especially if as indicated at the exhibition, there will also be a new road junction to the development next to the racecourse stables.

In addition, has the developer thought about how the access will be affected on the occasions that the racecourse has a concert and closes Moulsham Hall Lane to all traffic?

It should also be noted that in this area there is an official registered Toad Crossing site - [ID 651], and there are signs on the road indicating where this is. Has an Ecology Survey been carried out and if so, why was this not known about? Whilst making a new junction here, piping under the existing Moulsham Hall Lane should be provided to safeguard amphibians crossing the road to get to ponds.

Moulsham Hall Lane is currently lined with a number of mature Oak trees which we feel should be retained as they form an integral part of the rural landscape in this area.

We welcome the fact that a new primary and nursery school, neighbourhood centre and a possible

Tesco Express will be delivered as part of this development. A footpath/cycleway should also be included along Moulsham Hall Lane, for the length of the development outlined as this would benefit local residents and staff working at the racecourse. It was noted at the exhibition that footpaths/cycleways will be provided through the development from the new school and shop area across to the new recreational area adjacent Hornells Corner, but no access seemed to be provided onto Hornells Corner road itself for the benefit of residents of Willows Green, Great Leighs.

Finally it would be nice if this development will blend in to its countryside surroundings and be self sustainable so that it doesn't become yet another island of housing with no amenities to support it. It should be noted therefore that with all this extra housing, the doctors' surgeries at Little Waltham and Great Notley Garden village are already full, so provision should be made to incorporate a further doctor's surgery as part of this development.

8. Uttlesford Shop Front Design Guide Consultation March 2022

No Comment

9. Draft Local Plans -Uttlesford DC, Braintree DC

No Comment

10. Other Urgent Planning Business and Future Dates

a. Flightpath Consultation.

It was noted that there is a programme underway to review East of England airport arrival and departure routes. Whilst at an early stage, coming phases will include options for review prior to a consultation.

b. The Assistant Clerk asked whether any of the councillors would like to attend the Rayne Quarry visit on the 26th April. She will circulate details to the other members of the Parish Council.

Next Meeting is 17th May 2022

..... Chairman 17th May 2022

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>