

FELSTED PARISH COUNCIL

Minutes of the Planning Meeting held on Tuesday 21 April 2020 electronically 7:30 pm

Attending: Councillors Andy Bennett (Chairman), Alec Fox, Richard Freeman, Graham Harvey, Penny Learmonth and Roy Ramm. Diane Smith (Clerk) attended as an observer.

1. Apologies for Absence

No apologies were received.

2. Declarations of Interest

There were no declarations of interest.

3. Public Forum

There was 1 member of the public in attendance.

4. Approval of Minutes of previous Meeting

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

5. New Applications Considered

[UTT/20/0739/HHF](#)

Melbury House Bannister Green

Single storey front extension and change of roof to existing front extension.

No Comment

[UTT/20/0766/OP](#)

Great Greenfields Gransmore Green Gransmore Green Lane

Outline application with all matters reserved except for access for the Construction of 1 no. dwelling.

Comment: Objection. Unacceptable impact of the setting of two listed buildings. The new dwelling would be within the curtilage and moated perimeter of the listed building.

The applicants Planning Design, Access and Heritage Statement (PDAHS) at 1.04 mentions "there is a further dwelling to the south called Poplars" but fails to mention that this is also a listed building (listing ref: 1112851)

At 3.07 the PDHAS states "The Felsted Neighbourhood Plan is at its referendum stage but has not been made formally". This is totally incorrect. The Felsted Neighbourhood Plan (FNP) was officially 'made' at a meeting of the full council on 25 February and is now a statutory development document when dealing with planning applications in the Felsted parish.

The application conflicts with FNP Policy FEL/HN5 which states that residential development proposals for sites in a countryside location will only be supported where one or more specific circumstances exist. These include rural exception housing in accordance with an up to date housing needs survey, enabling development supporting affordable housing, replacement dwellings, supplemental dwellings tied to an existing primary residence, development where exceptional benefits to the community can be clearly demonstrated and development on sites allocated in the NP. The development proposed does not appear to meet any of these circumstances.

Local Plan – S7 - As the site lies outside of the settlement boundary of Felsted, for planning purposes it is also in the countryside. Policy S7 of the Uttlesford Local Plan January 2005

(the LP) 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. New residential development of the type that is the subject of this application does not meet either of these criteria.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that there is a general duty as respects listed buildings in the exercise of planning functions, “to have special regard to the desirability of preserving their settings”. The introduction of a new large modern detached home located between two listed buildings cannot be considered to be “regarding or preserving their settings”.

The PDAHS in Appendix 4 quotes an Appeal for “The Bell” at Henham implying a similar setting but this site bears little comparison. The site of The Bell is in Henham High Street and is surrounded by other (non-listed) buildings. Indeed, the Appeal inspector said of the plot of land in question, “It is bordered on 2 sides by housing, and it is enclosed by substantial ditches and hedgerows, separating it from the adjoining agricultural land. Given this, and its connection to the Bell House, the site of the new houses is, in my view, within the built-up area”.

The PDAHS in Appendix 3 quotes an Appeal for Ashcroft, Wicken Bonhunt, again implying a comparison but that site also bears little similarity. For that site, the Appeal Inspector said of the land, adjacent to the host property which is a modern bungalow “I do not consider the site to be in open countryside. It is surrounded by houses and their gardens and two roads. Any development on this site would be seen as a continuation of the existing pattern of development in the immediate area”.

[UTT/20/0800/HHF](#)

Foresters Jollyboys Lane North

Proposed removal of existing garage and erection of single storey and two storey extensions.

Comment: Objection. The PC recognises that the bulk is reduced somewhat from previously refused applications, but the increase in bulk, particularly on the north and south elevations, remains substantial and still too massive.

[UTT/20/0797/HHF](#)

Foresters Jollyboys Lane North

Proposed new garage/workshop and driveway.

Comment: Objection: The PC is concerned about the affect and impact (particularly root compaction) on the oak tree.

We understand that the Tree has a TPO and, under Uttlesford guidance for the care and management of trees subject to TPOs, the root area must not be compacted as this will result in damage to and potential death of the tree. The proposed design will result in a driveway around the tree and so inevitably soil compaction and root damage.

This oak tree has been recognised as an established, significant and important part of the street scene along Jollyboys Lane and should be protected as such.

The tree also appears to limit access to half of the garage.

The garage location, right at the front boundary to the road, will also bring forward the line of building right up to the road side and so will have a significant impact on the street build form and so the street scene.

[UTT/20/0771/HHF](#)

Belvedene Willows Green Main Road

Single storey rear extension and loft conversion with dormer windows to the rear and internal alterations.

Comment: The PC is concerned that this design lifts the roof height in an area characterised by bungalows. Although the increase is modest we are concerned about the precedent it sets and would prefer to see the roof height limited to the current dwelling dimensions. We are also concerned about overlooking from the first floor (particularly from the Juliet Balcony) into the neighbour's property and garden. The PC feels some finessing of the design is needed to reduce the impact on the neighbouring property.

[UTT/20/0849/FUL](#)

Land At Bakers Lane

Erection of detached self build 4 bed dwelling and garaging

Comment: Objection. This site was the subject of a recent refused application (UTT/18/3336/FUL) for a very similar building. An appeal was also refused on 16th January 2020, ref 19/00084/REF.

The applicant claims to have "responded to the concerns of the inspector in dismissing the previous application" but, other than changing the design to what is virtually a mirror image of the original building, repositioning the house slightly to the west and the garage to the front of the site, there is little real change on the overall impact of introducing a modern build form on this green field site between two listed buildings. The applicant has not, and cannot respond to the majority of the inspector's serious robust and defensible reasons for dismissal.

The Appeal Inspector, in dismissing the previous application, gave clear reasons for refusal and concluded the proposal would be harmful to the character and appearance of the area, in conflict with LP Policy S7 and contrary to the environmental objective of planning. It should be noted that she gave significant weight to this conflict.

The agricultural field that is the location of the application is at an important rural location designated part of the "Saffron Trail" where four public byways/bridleways and footpaths converge (footpaths 103/131, and byways 64, 65 and 66). This is not an infill site, it is open countryside between two listed buildings and as the Appeal Inspector pointed out "The character of the area is distinctly rural" and she added "because of the verdant nature of the boundaries to the lanes and the gentle curve in Bakers Lane, the site does not appear as an infill plot. It is seen as part of the agricultural field and as part of the wider countryside".

The relatively minor changes to the position of the dwelling and garage do not address the fundamental damage to the character of the area, the impact on the countryside and setting of the heritage asset – Jollyboys that would result if allowed.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that there is a general duty as respects listed buildings in the exercise of planning functions, "to have special regard to the desirability of preserving their settings". The introduction of a new large modern detached home located between two listed buildings cannot be considered to be "regarding or preserving their settings".

The Appeal inspector's comments include;

"Accordingly, the conflict with Policy ENV2 of the LP attracts significant weight. Although it is undisputed that the Council cannot currently demonstrate a five-year supply of deliverable housing sites, the conflict with the Framework in terms of designated heritage assets provides a clear reason for refusing the development.

In addition, the proposal would be harmful to the character and appearance of the area, in conflict with LP Policy S7 and contrary to the environmental objective of planning. I give significant weight to this conflict.

Notwithstanding the central position of the proposed dwelling within the site and the attention given to its boundary treatments, scale, form and materials, the development would visually compete with Jollyboys and distract from it.

The proposal would result in the loss of seclusion of this heritage asset, negatively affecting its setting which forms a strong part of its significance. Having regard to the evidence before me together with my observations on site, I consider that in terms of Jollyboys' setting, the main contributors are the immediate curtilage and the surrounding agricultural land, including the appeal site".

In addition to the above, the applicant, in their Design and Access statement under "Heritage Asset" in an attempt to demonstrate reduced impact on the setting of Jollyboys, say that they have introduced, what they call "a significant degree of open space and separation between the proposal and Jollyboys" which undermines, conflicts with and contradicts their additional argument that this should be classified as an "infill site". On the one hand they claim that they are infilling a "gap" between existing dwellings whilst at the same time claim to be leaving a "significant degree of open space and separation"!

The applicant also dismisses the recently Made Felsted Neighbourhood Plan (FNP), saying that because UDC's deliverable housing number is now below 3 years, that the presumption in favour within paragraph 11 should be applied as all the criteria of paragraph 14 are not met.

It may be correct to say that the lack of UDC's 3 year housing supply does not automatically elevate the FNP to the point where it overrides the NPPF paragraph 14, but the FNP still carries significant planning weight, containing Policies to protect our community from unwanted and inappropriate development and representing the aspirations of our community. It may not be the principal planning decision document due to UDC's lack of 3 year housing supply, but it nevertheless carries significant weight.

In addition to the above, the applicant seems to ignore the fact that the FNP is not needed to override "the presumption in favour" as the application fails NPPF Paragraph 11 d) i. and ii. (i. - "protecting assets of particular importance", and ii. - "impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole").

The addition of a single dwelling has a vanishingly insignificant impact on the projected land supply calculation and it is clear that the demonstrated impact and harm from this application is well beyond any claimed benefit to the calculation.

The dismissal of the FNP also ignores the fact that the FNP supports the delivery of 64 dwellings during the Plan period and that the objectives of the Neighbourhood Plan were supported by over 90% of voting Felsted Parishioners. We would also argue that it was UDC's oversupply of homes (approaching 1,000 dwellings per annum in the last two years) that resulted in UDC failing to meet their ability to demonstrate a 5 year (or even 3 year) housing supply.

This early delivery at around twice the average level of delivery for years 2011/12 - 2015/16, 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.*

If this oversupply is factored into the calculation, which should be appropriate, the true figure would be in excess of a 5 year supply (estimated at 5.65 years).

Several Appeal Inspectors assessing cases within Uttlesford have also recently disagreed that the lack of a 5 or even 3 year housing Land Supply should automatically mean that inappropriate development should be allowed.

Examples include: Appeal No. 3236869 - Land in Cutlers Green

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". However, "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” Adding “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.

In summary, Felsted Parish Council continues to object to this application in open countryside and negatively impacting both the rural public domain and the setting of important heritage assets. The application is so similar to the refused appeal for this site, of only a few weeks ago, that we believe to approve this new application would in reality mean going against the Inspector’s recent decision making for the site.

[UTT/20/0757/DFO](#)

Land West Of Maranello Watch House Green

Details following outline application UTT/18/1011/OP (granted under appeal ref: APP/C1570/W/18/3210501) for 28 dwellings. Details of appearance, landscaping, and scale. Comment: The PC continues to believe that this is an inappropriate development!

[UTT/20/0091/OP](#)

Holly House Causeway End Road

Outline application with all matters reserved except access for the erection of 1 no. detached dwelling with detached garage, and 1 no. detached garage to serve Holly House

Comment: Objection. Application is for a large 4+ bedroom detached house as a “tandem” build behind an existing chalet bungalow which is part of the established linear build style of Causeway End Road. This backland development would be an incongruous introduction completely out of keeping with the vernacular of Causeway End Road.

Whilst recognising that this is an outline application, the application itself appears half hearted, almost anticipating refusal and so avoiding too much effort in producing the paperwork. The level of information presented is inappropriately lacking for a building which would have a permanent impact on the area and so for which approval, especially in broad outline, would in our opinion be wrong.

The access road would be unacceptably close to the adjoining property (Martingales) resulting in an intrusion and negative impact on the amenity of the adjacent property. Policy 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, development would not have an overbearing effect on neighbouring properties and access would not cause disturbance to nearby properties”.

The applications fails to show the dimensions, or position of the proposed dwelling within the site but the inevitable close proximity of the access road to the neighbouring property (which it would appear would be within a matter of a metre or two of the access road) would be unacceptable.

There are also concerns regarding the discharge of any foul water treatment outlet as the land to the rear of Holly House is significantly lower than the host property.

There are also likely to be difficulties in meeting the necessary visibility splays 2.4 metres back from the highway due to existing vegetation within the gardens of the adjoining property to the west. Whilst there is already an established access at Holly House, there presumably continues to be a requirement to be able to demonstrate the necessary safe visibility splays for any new access application.

The application conflicts with Policy FEL/HN4 – Residential Development within Development Limits of the Made Felsted Neighbourhood Plan which states that “development should respect the character of the area in which it is located and should be able to demonstrate safe and suitable access”. It is not considered that this backland development meets either of these requirements.

A recent application for five dwellings on adjacent land (UTT/19/2994/OP) was refused as the delegated Officer “considered that the proposal does not represent sustainable development in that future occupiers would use a car to access the overwhelming majority of services”. He also stated that “The arrangement of houses indicated, dictated by the shape of the site, would lead to overlooking of adjoining rear gardens and possibly rear elevations of dwellings thereby creating a loss of privacy. The proposal is considered to be contrary to GEN2”.

Whilst the precise position and orientation of the dwelling within the site is not shown, it seems probable that the close proximity to Martingales and Oaklee would result in similar “overlooking of adjoining rear gardens and possibly rear elevations of dwellings”.

6. Decisions received since 17 March

[UTT/20/0333/HHF](#)

1 Clifford Smith Drive Felsted

Single storey side and rear extension together with two storey rear extension.

Permission Granted 2nd April 2020

[UTT/19/2118/OP](#)

Land East And North Of Clifford Smith Drive

Outline application with all matters reserved except for access for the erection of up to 41 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping

Permission Granted 16th April 2020

[ESS/42/17/CHL](#)

Blackley Quarry, Land to the north east and north west of Blackley Lane, A131, **Great Leighs**

Continuation of planning permission ESS/46/16/CHL without compliance with condition 3 (Application details), condition 27 (Stockpile heights and locations) and condition 35 (Tree and hedge planting details) to allow: additional bunding, amended timescales for some planting and clarification as to permitted stockpile locations. Planning permission ESS/16/15/CHL as varied by ESS/46/16/CHL permits "Extraction of an estimated reserve of 2.8 million tonnes of sand and gravel (from sites A38 and A39 as identified in the Minerals Local Plan 2014) and retention of existing access onto the A131, retention of existing sand and gravel processing plant (to be relocated within site A38), progressive restoration to agriculture using inert fill, installation of inert recycling facility, including screening and crushing to recover secondary aggregate. In addition revised restoration scheme for the existing quarry area"

Permission Granted 30th March 2020

7. Sunnybrook Farm - Consultation

This will be an agenda item at the next Full Parish Council meeting.

8. Draft Local Plan – Uttlesford DC

Following the inspector’s recommendations an Extraordinary District Council meeting is scheduled for Thursday 30th April at 6pm to consider withdrawing the current plan/starting work on a new plan.

9. Date and time of next meeting:

Tuesday 19th May electronically at 7.30pm

..... Chairman

19 May 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>