



**Frazer Halls Associates**  
Development and Planning Consultancy

Our Ref: RAB - 23-464

Number: [REDACTED]

Email: [REDACTED]

Date: 12 January 2023

## SENT VIA EMAIL

The Planning Inspectorate  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

Dear Planning Inspectorate,

Re: UTT/23/2810/PINS | Consultation on S62A/2023/0028

Outline application for construction of up to 50 dwellings (Use Class C3) and associated access and bus stops with all matters reserved apart from access

Land To West Of Chelmsford Road Hartford End Felsted Essex

This objection is made on behalf of our clients, Roy Dovaston & Aimee Dovaston of [REDACTED] [REDACTED] who wish to object to the above outline planning application on the following grounds, of which are discussed in greater detail throughout this letter:

- Principle of development
- Character and appearance
- Flooding
- Transport and Sustainability
- Loss of arable land

We respectfully request that that this planning application is considered under the Hearing procedure, as it permitted under Section 62A of the Town and Country Planning Act (1990) ('the Act'), to allow affected parties to make oral representations to the Inspector. Justification for determination of this planning application via a Hearing is provided in the conclusion of this letter.



## Background

This outline planning application is the latest in several historic planning applications made on land to west of Chelmsford Road, Hartford End, Felsted ('the Site'), all of which have been previously refused by Uttlesford District Council (UDC):

- UTT/20/3323/OP: Outline application with all matters reserved except access for the erection of 1 no. detached dwelling. Refused 13 April 2021
- UTT/20/3368/OP: Outline application with all matters reserved except access for the erection of 4 no. detached dwellings. Refused 13 April 2021
- UTT/21/3088/OP: Outline application with all matters reserved except access for the erection of 4 no. dwellings. Refused 7 December 2021

The most recent refused application was refused due to, *inter alia*, the principle of development being contrary to the National Planning Policy Framework (NPPF), Policy S7 of the Uttlesford Local Plan (2005) and policies FEL/HN5, FEL/CW1 and FEL/ICH4 of the made Felsted Neighbourhood Plan 2020. For the reasons set out in this letter, it is considered that the current live outline planning application to equally be in conflict with these policies and material considerations, and thus should be refused on this basis.

Whilst not forming previous reasons for refusal owing to the smaller scale of proposed development, the current live outline planning application is likely to have a detrimental impact on existing flooding and drainage issues sustained by residents of the adjacent Ridley Green development in which the remedial infrastructure improvements have yet to be implemented and worsen the amenity of residents.

Our reasons for objecting to the proposals are set out below.

## Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.

The adopted Development Plan comprises the Uttlesford Local Plan (2005) and a number of 'made' neighbourhood plans of which the Felsted Neighbourhood Plan (2020) forms part of.

The Site falls outside of the adopted development boundary in both the adopted Uttlesford Local Plan and the Felsted Neighbourhood Plan.

Firstly, with regards to the Local Plan, the Site falls within the countryside and therefore Policy S7 applies. Policy S7 of the Local Plan specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.



One of the exceptions under Policy S7 for new residential is sensitive new infilling. However, similarly to the previously refused applications, the Site represents an important gap and visual break between the established linear frontage housing to the north and the Ridley Green development to the south. The level of harm to rural amenity, character and landscape would be such that it cannot reasonably be described as 'sensitive infilling'. Thus, the proposals conflict with Policy S7 in this regard.

Whilst the Council recognise that Policy S7 is only partially compatible with the NPPF, it still carries some weight in decision making. Regardless of the Council's housing land supply position (which is disputed), the NPPF reinforces the significance of an up to date adopted neighbourhood plan in decision making when and if applying the presumption in favour of sustainable development.

Paragraph 14 of the December 2023 iteration of the NPPF states that:

*In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*

*a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*

*b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68).*

The Felsted Neighbourhood Plan (NP) was made in February 2020 and is less than 5 years old. In addition, the NP establishes a housing target for Felsted and created policies and site allocations to meet this target, with the methodology set out in the accompanying Site Justification Evidence Base document. The relevant policies relevant to the housing requirement for Felsted and sites to meet this need are:

- FEL/HN1 – Meeting Housing Needs
- FEL/HN2 – Land at Braintree Road (Sunnybrook Farm) (approximately 24 units)
- FEL/HN3 – Land at Station Road (Bury Farm) (approximately 39 units)

As such, by any reasonable interpretation, the Felsted NP satisfies parts a) and b) of paragraph 14 of the NPPF and therefore the adverse impact of allowing development that conflicts with the NP is likely to significantly and demonstrably outweigh the benefits.

The Site falls outside of the adopted NP development limits and therefore the proposals are assessed against Policy FEL/HN5 of NP. FEL/HN5 will support residential development outside of development limits with safe and suitable access where the proposal is for either:

- Rural exception housing
- Limited market housing to enable the delivery of rural exception affordable housing
- Replacement dwellings
- Supplemental residential dwellings



- Development allowed in exceptional circumstances on the edge of development limits and where the community has been actively engaged, via the provision of a development brief and where exceptional benefits to the community (including delivery of infrastructure requirements identified in this Plan) can be clearly demonstrated
- Sites allocated in the NP

The proposals do not compromise rural exception housing, nor do they comprise market housing to enable the delivery of rural exception affordable housing. It does not represent replacement dwellings and are not supplemental dwellings as per the definition set out in Policy FEL/HN6. The applicant has not engaged with the community through a development brief and will not provide exceptional benefits over and above standard planning obligations required to mitigate the impacts of the development secured through a Section 106 agreement. Finally, as the sites are not allocated as per Policies FEL/HN1, FEL/HN2 and FEL/HN3, the proposals do not form of residential development accepted outside development limits under Policy FEL/HN5.

The proposals therefore conflict with Policy FEL/HN5. It is also considered that the proposals conflict with Policy FEL/CW1 which require development to protect and enhance the landscape character area they are situated in and must not significantly harm the important long distance, short range and glimpsed views, identified in the Felsted Heritage and Character Assessment Report 2017. The proposals represent a significant and detrimental visual intrusion into an area of landscape sensitivity (discussed further below) and therefore conflicts with Policy FEL/CW1.

The proposals therefore conflict with the Felsted NP as a whole.

Whilst there are some benefits of the scheme such as the delivery of housing, it is considered that overall the varying relevant weight to be applied to these benefits would not outweigh the conflict with the adopted NP, nor the significant negative impact to the character of the countryside, landscape and appearance of the Site (see further below).

Thus, in accordance with paragraph 14 of the NPPF, the adverse impacts of the proposed development outweigh the benefits of the scheme and the principle of development is therefore not acceptable.

### Character and Appearance

The proposed development would result in the coalescence of built form between housing to the north of the Site and the Ridley Green development to the south.

The proposed development would result in a major adverse impact on the existing rural character of the Site by virtue of introducing significant levels of urbanising built form in an otherwise undeveloped and open field highly visible and disruptive / harmful in short, medium and longer ranging views.

It is considered that the development would fail to protect the character of the countryside, with no special reasons put forward as to why the proposed development is required in this specific location resulting in



assessed significant and demonstrable harm to the countryside contrary to the aims of Policy S7 of the adopted Local Plan and those of Policies FEL/CW1 and FEL/HN5 of the Felsted NP where none of the specific listed circumstances set out within FEL/HN5 apply to the proposal (as previously discussed).

### Flooding

There is currently a severe flooding problem for residents of the Ridley Green development to the south situated on what was the site of the Old Ridley Brewery in Hartford End.

Since its construction residents have experienced issues of flooding in their properties and across the development, specifically on the communal green space, road and pathway. The management of the development is under the control and ownership of the Ridley Green Management Company Ltd (RGMCL) who, since 2019, have undertaken extensive efforts to remedy the issue and address the flooding. Since the developers relinquished control of the management company in 2019, and despite the developer attempting to fix the problem, the flooding persists and is the sole responsibility of RGMCL. The developer has stopped responding to enquiries and emails from Ridley Green Management company.

Even following a costly undertaking in September 2023 to put in a new soak away down pipe, replacing broken land drains, clearing blocked storm drains and repairing the road and pathway, there continues to be a flow of water onto the development. By redirecting one of the land drains into the storm drain it has now become evident that a large volume of water is still coming onto the development from an unknown source. Where it used to be the case that this water was flooding the green, road and pathway it is now being redirected straight into the drainage system.

Following rainfall, the green becomes completely saturated such that water runs out onto the road downhill. Please see a photograph demonstrating this issue accompanying the letter. There are concerns amongst residents regarding the safety (or lack thereof) over the constant flow of water over the green and onto the road due to the slippery surface. In the winter months should this turn to ice, then the risk to resident safety for walking and driving is potentially significant.

This was and should have been the developer's responsibility, but this issue has not been resolved and persists.

Paragraph 173 of the NPPF is clear that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Our clients are therefore deeply concerned that the proposed development will exacerbate the existing flooding issues residents currently experience on Ridley Green. Whilst the submitted Flood Risk Assessment confirms surface water drainage will be dealt with through permeable paving and on site storage through attenuation basins, with the use of hydrobrakes to control the discharge off site to the existing watercourse, these proposals are only illustrative at this stage and subject to detailed design and further drainage and flooding considerations at the reserved matters stage. As such it is premature at this



stage to determine whether the proposed drainage strategy will negatively or positively affect the adjoining development, especially since there is no reference made or indication that the proposed drainage strategy has / will take into account the pre-existing flooding issues on the adjoining development.

Whilst it is for the Lead Local Flood Authority (LLFA) to determine the acceptability of the proposed drainage strategy in principle ahead of a more detailed scrutiny at the reserved matters stage, it is critical for the future welfare and amenity of Ridley Green residents that this scheme is robustly assessed for its impact in terms of surface water flooding, should it come forward. It is noted that the LLFA have not raised any comments on the application, however the proposals should be reconsidered in light of the pre-existing flooding issues for the Ridley Green development articulated in this objection.

Therefore, it is considered that the submitted drainage information is insufficient with regards to its consideration of pre-existing flooding issues and how this will be dealt with, and as such in the absence of such assessment its acceptability as a drainage strategy in principle cannot be guaranteed without due and proper regard for potential flooding implications to existing residents. This would be in direct conflict with the NPPF.

Our clients strongly urge a requirement for the drainage strategy to consider the relationship and potential impacts to existing flooding issues at Ridley Green to be placed upon any permission and legal agreement. Even more beneficial would be for a planning obligation to remedy the current flooding issue to the benefit of existing residents, improving the current situation.

### Transport and Sustainability

There are concerns over the sustainability of the proposed development with regards to accessibility to key services and facilities for future residents of the development. Policy GEN1 of the Local Plan requires development to encourage movement by means other than driving a car.

There are no schools within a reasonable walking distance (Essex Design Guide indicates 600m for primary school and 1500m for secondary school as reasonable).

Whilst there are existing bus stops in Hartford End and the proposed development proposes additional bus stops, they will continue to capture the single no.16 bus service (Chelmsford – Broomfield – Hartford End – Felsted – Wethersfield) which only has a frequency of a bus every 2 hours. The infrequent nature of the bus service available is likely to deter future residents from travelling via bus with a likely preference to travel by private car. Even where encouraged to travel by bus, residents are unlikely to make regular trips to supermarkets with cumbersome amounts of shopping by bus when they can use their car instead.

With the likelihood that future residents will opt to drive instead of travel by bus, with most local services too far to walk with a lack of lighting and pavements on the nearby highway, it is unlikely residents will walk and cycling on local roads will not be an attractive option.

As such, the proposals represent a clear conflict with Policy GEN1.



## Loss of Arable Land

The proposed development will result in the loss of 2.42ha of good quality, arable farmland. Development should be guided sequentially to less fertile land before building upon more fertile, higher grade agricultural land. The loss of fertile arable land conflicts with adopted Local Plan Policy ENV5 and paragraph 180 of the NPPF which seeks to recognise the natural capital of the best and most versatile land.

## Summary

Overall, our clients strongly object to this planning application. The principle of development is unacceptable as it represents a major conflict with the made Felsted Neighbourhood Plan (2020), which in light of the recently published December 2023 iteration of the NPPF, amounts to an adverse impact that significantly and demonstrably outweighs the benefits of the proposed development, despite the presumption of sustainable development applying.

The proposals undermine the housing strategy of the Neighbourhood Plan and represent a major adverse impact on the rural character and landscape of the Site and its surroundings and will lead to harmful coalescence, with the benefits of the scheme insufficient to overcome this. Likewise there are concerns over the sustainability implications of the development in relation to future occupiers and residents of whom will most likely heavily rely on the use of the private car to access key day-to-day services and facilities.

Our client are also deeply concerned with the potential implications the proposed development will have on the already severe flooding of the Ridley Green development. There is currently an absence of consideration in the submitted drainage strategy of the adjoining flood issues to provide residents comfort that, as a matter of principle, the development will not cause the situation to worsen.

And finally whilst an attempt has been made to promote the use of public transport for future residents of the development through new bus stops, the reality is that owing to the excessive walking distance to nearby facilities, poor pedestrian infrastructure on the highway and the infrequency of the no.16 bus service, residents are likely to travel by private car, contrary to the aims and objectives of the NPPF, the adopted Local Plan and made Neighbourhood Plan.

## Request for a Hearing

We request this application be determined through the Hearing procedure in accordance with Section 62A of the Act, for the following reasons:

- The complexity of technical matters with regards to the pre-existing flooding issues and the relationship and implications of the proposed drainage strategy on these issues.
- The scale of development and the potential adverse implications on existing residents with regards to traffic.
- The significant local objection amassed over time through previous applications as well as the current application. Although legally only specific residents were able to make objections (due to a 'gagging order



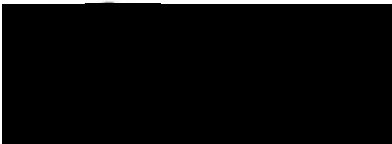
imposed by the developer), many of the local residents share the same views and would have objected, were it within their legal scope to do so. As such, it is important fellow objectors are given the opportunity to make representations at a Hearing.

### Next Steps

We trust that the objections made in this letter fully reflect the deep level of concern we have and the opportunity to discuss these views at a Hearing is afforded.

If you require any additional information or have any queries, please do not hesitate to discuss.

Yours faithfully,



Rory Baker BSc MSc MRTPI  
Associate

Encl.

Photograph of Ridley Green Flooding