

**UTT/17/2050/FUL - (STANSTED)**

(Referred to the Planning Committee by Cllr Sell due to the loss of trees and introduction of back-land development)

**PROPOSAL:**       **Erection of a single dwelling and garage**

**LOCATION:**       **The Thatch, Elsenham Road, Stansted**

**APPLICANT:**     **Mr & Mrs Calder**

**AGENT:**         **Beacon Planning Ltd**

**EXPIRY DATE:**   **26 October 2017**

**CASE OFFICER:**  **Chris Tyler**

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**1.       NOTATION**

1.1      Outside Development Limits

**2.       DESCRIPTION OF SITE**

2.1      The application site relates to a detached two storey dwelling and its curtilage located to the south of Elsenham Road in the village of Stansted Mountfitchet. The dwelling includes external finishes of rendered and timber cladded walls under a plain clay tiled roof. The site is accessed by private driveway from the highway.

2.2      To the rear of the dwelling is a substantial garden area, of which the steep gradient slopes down to the south of the site and the public car park. The southwestern corner of the site falls within the development limits.

**3.       PROPOSAL**

3.1      This application is for the proposed erection of a single dwelling and garage. The dwelling will be within the existing curtilage of The Thatch, and sited with in the rear garden area. The dwelling will be two storeys with habitable accommodation within the roof space and basement. The dwelling will include external finishes of rendered and cladded walls under a plain clay tiled roof.

3.2      The access to the site will remain as existing, and a new drive will be created within the front of the site to the dwelling and garage.

**4.       APPLICANT'S CASE**

4.1      The applicant has provided a planning statement in support of the planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way.

Also submitted is:  
Biodiversity checklist  
Ecological report  
Arboricultural Report

## **5. RELEVANT SITE HISTORY**

5.1 There are no planning applications linked to this application.

## **6. ENVIRONMENTAL IMPACT ASSESSMENT**

6.1 The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

## **7. POLICIES**

### **7.1 National Policies**

- National Planning Policy Framework (NPPF)

### **7.2 Uttlesford Local Plan (2005)**

- Policy S7 -The Countryside  
- Policy H4- Backland Development  
- Policy GEN2 - Design  
- Policy ENV3- Open Spaces and Trees  
- Policy GEN1 - Access  
- Policy GEN8 -Vehicle Parking Standards  
- Policy GEN7- Nature Conservation  
- Policy ENV10- Noise Sensitive Areas

### **7.3 Supplementary Planning Documents**

- UDC- Accessible Homes and Playspace  
- UDC- Local Residential Parking Standards  
- Essex Design Guide

## **7. PARISH COUNCIL COMMENTS**

7.1 The Parish Council objects due to the following:  
Back land development loss of trees and would set as a president on Elsenham Road.

## **8. CONSULTATIONS**

### **ECC Ecology**

8.1 No objections subject to condition

All ecological measures and/or works shall be carried out in accordance with the details contained THE Preliminary Ecological Appraisal (Denny Ecology, December 2016) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

### **Natural England**

8.2 No comments to this application.

### **ECC Highways**

- 8.3 No objections or recommendations.

### **Network Rail**

- 8.4 No objections- informative recommended.

### **BAA Aerodrome Safeguarding**

- 8.5 No Objections.

### **NATS Safeguarding**

- 8.6 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

### **UDC Landscape Officer**

- 8.7 The northern part of the proposed development site is subject to an "area" tree preservation order (TPO No.1/77) protecting all trees of whatever species. In the southern part of the site there are also a number of individual trees subject to a tree preservation order (TPO No.15/96).
- 8.8 In total twenty trees are proposed to be felled to facilitate the development and of these, four are subject to tree preservation order No.15/96, and these are 1no. Whitebeam, 1no. False acacia, 1no. Oak and 1no. Redwood. The redwood is dead, and the other three protected trees are not considered to be outstanding specimens. The acacia has decay present and a torn stem; the whitebeam, whilst in fair condition, has a significant lean; and the oak tree has a heavily suppressed crown. The removal of these trees would not have any significant impact on public amenity. A number of the other trees proposed to be felled are subject to the "area" order in the north of the site.
- 8.9 The other trees proposed to be felled are 2no. Sweet chestnuts, 1no. Birch, 1no. Apple, 1no. Norway maple, 1no. Indian bean tree, 4no. Pear, 3no. Cypress, 1no. Tree of Heaven, and 1no. Maple, although not all these trees fall within the "Area" order. None of these trees are considered to be outstanding specimens. Across the site and its immediate surrounds, the area is well-tread, and the loss of the trees proposed to be felled would not have any significant impact on visual amenity.
- 8.10 In the circumstances of an approval being granted, a condition should be applied requiring tree protection measures in respect of the existing trees to be retained.

### **UDC Environmental Health**

- 8.11 The dwelling and garden would be subject to day and night noise from the railway line to the south of the site, which could give rise to loss of amenity. Noise assessments of the source in similar locations along the track suggest that adequate mitigation can be provided at this location to meet available guideline values for outdoor amenity areas and to achieve the internal noise levels recommended in British Standard 8233:2014 Sound Insulation and noise

reduction for buildings.

8.12 There is sufficient garden area set back from the source to provide an outdoor area which is protected from the source. With regard to the dwelling, there is a proposal to achieve adequate internal noise levels through insulation of the windows.

8.13 A safeguarding condition is therefore recommended to ensure the construction and installation is suitable completed to allow compliance with Planning Policy ENV 10:

The specification for external glazing and ventilation shall provide a sound insulation value of at least 32dB Rw and Ctr. and following installation shall not be altered without prior approval.

## 9. REPRESENTATIONS

Neighbour consultation expiry date- 8/8/2017  
Site notice and advertisement expiry date- 29/8/2017  
No comments received

## 10. APPRAISAL

The issues to consider in the determination of the application are:

- A The principle of the development of this site (ULP Policies S7, H4, NPPF);
- B Design (ULP Policies GEN2 & ENV3, SPD Accessible Homes and Playspace)
- C Access to the site (ULP Policy GEN1);
- D Vehicle Parking Standards (ULP Policy GEN8 and UDC Local Residential Parking Standards);
- E Nature Conservation (ULP Policy GEN7)
- F Noise sensitive areas (ULP Policy ENV10)

### **A The principle of the development of this site (ULP Policy S7, NPPF)**

10.1 The application site lies beyond the Development Limits on land classed as countryside where policies are generally restrictive. Policy S7 looks to protect the countryside for its own sake by limiting development to that which needs to be there or is appropriate to a rural area.

With regard to backland development, ULP Policy H4 states that development will be permitted if it follows the following criteria:

- a) There is significant under use of the land and development would make effective use of it,
- b) There would be no material overlooking or overshadowing nearby properties,
- c) Development would not have an overbearing effect on neighbouring properties,
- d) Access would not cause disturbance to nearby properties.

The following report will include these elements.

- 10.2 The National Planning Policy Framework applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 10.3 Notwithstanding the above, paragraph 55 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. While there is no published definition of 'isolated', it is considered that the PPG supports the view that housing sites should be within or adjacent to existing settlements. The effect is to prevent sporadic development in the countryside, while supporting the growth of existing settlements of almost any size due to the associated economic and social benefits. As the application site abuts the development limits of the village and is tacked on to the existing settlement, it is considered that the location accords with paragraph 55
- 10.4 The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. As identified in the most recent housing trajectory document, Housing Trajectory 1 April 2017 (August 2017), the Council's housing land supply is currently 3.77 - 4.2 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.
- 10.5 This means that applications for sustainable development outside development limits may need to continue to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing. Moreover the proposal should be considered against the three strands of sustainable development including economic, social and environmental.
- 10.6 Economic:
- The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. The development will deliver a small economic role by the creation of a small amount of employment during the construction phase and the occupiers of the house would contribute to the local economy in the long term, as such there would be some, but limited, positive economic benefit.
- 10.7 Social:
- The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.
- The site is considered to represent a sustainable location for new development; there is a reasonable walking distance to the centre of the village where there is a good level of transport, schooling, amenities and social facilities. The proposal would make a small contribution towards the delivery of the housing, and the site is a reasonably sustainable site in terms of its proximity to deliver a social role.
- 10.8 Environmental:
- The landscape performs the function of clearly defining and containing the extent of built form. The site, although it is within the rural countryside, does include an

existing dwelling and outbuilding. The dwelling will be at the rear of the site; this specific part of the site is of a steep gradient leading down to the public car park and forms a scrub land. The introduction of the proposed dwelling will result in an enhancement to the character of the site and make good use of the site.

- 10.9 The host dwelling of the Thatch and neighbouring property of Moat House are set back from the highway. The proposed dwelling will be in line with the existing pattern of development. It is therefore considered that the development of the site would not result in a detrimental impact to the intrinsically rural appearance. The overall built form and appearance of the traditionally designed dwelling will overall improve this part of rural area.
- 10.10 The proposal will be situated at the edge of the village and abuts the built up area and an existing dwelling. As such this will not diminish the sense of place and local distinctiveness of the settlement. Due to the character of the site, the proposed development will mainly be visible at the access point due to continued roadside screening, and therefore will continue a sense of undeveloped frontage. It would not be readily apparent from the road itself and would not impact upon open countryside. This is something demonstrated by the neighbouring site of Moat House.
- 10.11 As such the development will not materially alter or impact the landscape character of the area or encroach into the openness of the countryside. For the detailed and specific reasons set out above, the development proposed is considered in the context of paragraphs 7 and 55 of the Framework to be considered sustainable, and not an isolated site. The proposal accords with ULP Policies H4 and the NPPF.

## **B Design (ULP Policies GEN2, ENV3 & SPD Accessible Homes and Playspace)**

- 10.12 With regards to the design and neighbouring amenity, the submitted details indicate that the proposed dwelling and garage will be of a large scale and traditional design, using materials that would be considered acceptable in the rural location.
- 10.13 The design of the dwelling will result in the use of habitable basement accommodation; this is due to the gradient of the slope the site is on and therefore makes efficient use of the required built form.
- 10.14 It is considered that due to the siting of the proposed dwelling and the distance between the neighbouring properties of The Thatch and Moat House, there would be no loss of light, over shadowing or loss of privacy to neighbouring properties. A landscape condition can be included to ensure scheme of landscaping and boundary treatments are appropriate in this countryside setting and to reduce the visual impact of the development.
- 10.15 The proposal will include the felling of 20 trees of which 4 are subject to tree preservation order. The Councils Landscape Officer has been consulted in regards to this matter and has made no objections subject to the imposition of a planning condition for the tree protection measures of the existing tree to be retained. Due to the protected value of the trees it is not considered the removal of the trees as shown on the submitted plan will not contribute to the loss of significant visual amenity and the proposal accords with ULP Policy ENV3.
- 10.16 The proposed dwelling would have sufficient amenity space in accordance with

Local Plan Policy GEN2 and as advised by the Essex Design Guide (adopted 2005). The proposed dwelling will not impact the amenity space of the host dwelling.

**C Access to the site (ULP Policy GEN1)**

- 10.17 The proposed development seeks to utilise the existing access, as shown on the submitted block plan. The Highway Authority has been consulted and has made no objections or recommendations. Therefore it is considered that there will not be any significant conflict in relation to ULP Policy GEN1 and highway safety.

**D Vehicle Parking Standards (ULP Policy GEN8 and UDC Local Residential Parking Standards)**

- 10.18 The submitted layout details show that there would be adequate space within the site for the parking of three vehicles off road for the proposed new dwelling. This would comply with current adopted standards and ULP Policy GEN8.

**E Nature Conservation (ULP Policy GEN7)**

- 10.19 Policy GEN7 seeks to ensure that development would not have a harmful effect on wildlife and biodiversity. A protected species survey has been submitted with the planning application; Essex County Council Ecologists have been consulted and have no objection subject to a condition regarding ecological measures.
- 10.20 As such it is considered the proposed development will not have a harmful impact on protected species or biodiversity and is in accordance with Policy GEN7 and the National Planning Policy Framework.

**F Noise sensitive areas (ULP Policy ENV10)**

- 10.21 ULP Policy ENV10 considered noise sensitive development, housing will not be permitted if the occupants would experience significant noise disturbance. The site is within a close proximity to the railway line at the south of the site. Uttlesford District Council Environmental Health have been consulted, no objection has been made subject to the imposition of a planning condition.

**11 CONCLUSION**

- 11.1 In conclusion, the proposal is a sustainable form of development that would represent an acceptable scheme in terms of countryside impact, design, layout, and amenity, access, parking arrangements and impact on protected species and biodiversity. The proposal would comply with national and relevant local plan policy and is acceptable.

RECOMMENDATION – APPROVAL WITH CONDITIONS

**CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Prior to the commencement of the development, hereby approved samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Uttlesford Local Plan Policy GEN2.

JUSTIFICATION: The pre-commencement condition is required to ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

- 3 Prior to commencement of the development hereby approved, details of all hard and soft landscaping (including planting, hard surfaces and boundary treatment) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases, whichever is the sooner. Any plants which within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: The use of such pre commencement condition is required to ensure compatibility with the character of the area in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005), and to prevent highway safety issues relating to surface water runoff and loose materials in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 4 The dwellings hereby permitted must be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the SPD on Accessible Homes and Playspace.

- 5 Prior to the commencement of the development hereby approved details of loading/unloading, storage of materials and manoeuvring of vehicles within the curtilage of the site, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: This pre-commencement condition is required to ensure there is a sufficient scheme for the appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of

highway safety, in accordance with ULP Policy GEN1

- 6 All ecological measures and/or works shall be carried out in accordance with the details contained in THE Preliminary Ecological Appraisal (Denny Ecology, December 2016) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

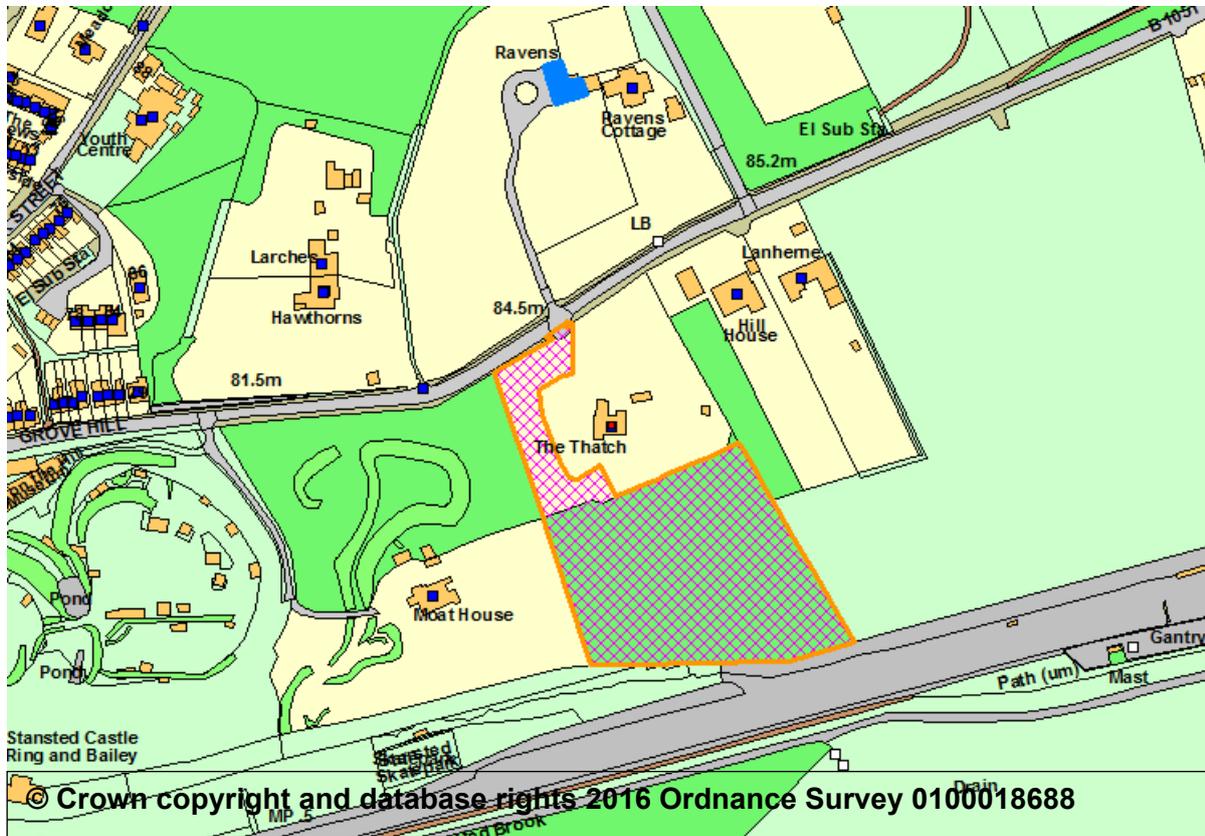
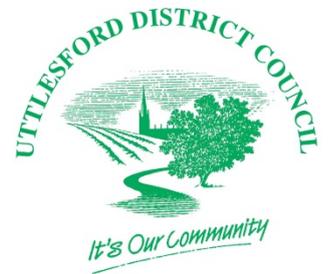
REASON: In the interests of conserving biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework

- 7 Prior to the commencement of the development, details of the external glazing and ventilation shall be submitted and approved in writing by the local planning authority. These details shall not be changed without written permission from the Local Planning Authority.

REASON: The use of the pre-commencement condition is required due to the siting of the development it would be within close proximity to a noise sensitive area and therefore recommended the development shall have an insulation value of at least 32dB Rw and Ctr and in accordance with ULP Policy ENV10.

Application: UTT/17/2050/FUL

Address: The Thatch Elsenham Road Stansted



Organisation: Uttlesford District Council

Department: Planning

Date: 12 October 2017