

**UTT/20/1082/FUL (ELSENHAM)**

(Referred to Committee. Reason: Uttlesford District Councils own Application)

**PROPOSAL:**        **The construction of a new single storey dwelling with associated external works and parking**

**LOCATION:**        **Former Parking Court Adjacent To 3 Gold Close  
Elsenham  
Hertfordshire**

**APPLICANT:**     **Mr Doug Malins**

**AGENT:**         **Mr Tony Welland**

**EXPIRY DATE:**   **01.09.2020 Extension of time  
06.07.2020**

**CASE OFFICER:** **Mark Sawyers**

---

**1.        NOTATION**

- 1.1        Within Development Limits – (ELSENHAM)  
            Within 200m of Parish Boundary  
            Within 250m of Ancient Woodland (ALSA WOOD, STANSTED MOUNTFITCHET)  
            Within 250m of Local Wildlife Site – Ufd95 (ALSA WOOD, STANSTED MOUNTFITCHET)  
            Oil Pipeline Hazardous Installation - 500m Consultation Area  
            Within 2km of S.S.S.I  
            Within 6km of Airport  
            Mineral Safeguarding Area – Sand/Gravel

**2.        DESCRIPTION OF SITE**

- 2.1        The proposed site is Land adjacent to No 3 Gold Close.
- 2.2        The site is accessed via Gold Close using the existing tarmac access used for the former parking court.
- 2.3        The site consists of a parking court for the residents of Gold Close and is approximately 260m<sup>2</sup>.
- 2.4        Prior to the carpark being fenced off there was approximately 12 Spaces.
- 2.5        To the rear of the site (south) is the right of way that leads to the rear the dwellings fronting Bedwell/New Road.
- 2.6        The distance from the rear elevation of the dwellings in Bedwell/New Road and the site boundary is approximately 23m.
- 2.7        To the North and East of the proposed site are bungalows off Gold Close.
- 2.8        The Railway station is located approximately 300m to the east of the site with Stansted Airport approximately 3km to the south.

### **3. PROPOSAL**

- 3.1 The proposals are for the construction of a new 3 bedroom, four person bungalow together with parking and turning within the plot.
- 3.2 The site is rectangular in shape and is approximately 260 m<sup>2</sup> including the access that runs to the front of No 3 Gold Close.
- 3.3 The site plan demonstrates adequate space for turning and parking with spaces to meet the Essex Design guide. There will be a car charging point provided under the car port in line with planning policy requirements.
- 3.4 The dwelling would be 2.3m in height to the eaves and would have a maximum height of 5m to the ridge.
- 3.5 External materials would consist of red faced brick to the walls, brown concrete pantiles to the roof, white uPVC windows and black uPVC gutters.

### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 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.

### **5. APPLICANT'S CASE**

- 5.1 The applicant has provided a Biodiversity Checklist planning and Transport Statement in support of a planning application.
- 5.2 The design and access statement points out that the site is in a sustainable location and has an existing vehicular access.

### **6. RELEVANT SITE HISTORY**

- 6.1 There have been a number of planning and listed building application submitted to the Council over the years however the most recent and relevant applications to the proposed application are listed below:

SWR/0286/59 - Development of land for dwelling houses (REFUSED)

SWR/0007/63 - Use of land for Council House Development (APPROVED)

### **7. POLICIES**

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

- 7.1 S3 – Other Development Limits
  - GEN1 – Access
  - GEN2 – Design
  - GEN4 – Good Neighbourliness
  - GEN7 – Nature Conservation
  - GEN8 – Vehicle Parking Standards
  - ENV10 – Noise Sensitive Development
  - ENV14 – Contaminated Land
  - H3 – New Houses within Development Limits

## **Supplementary Planning Documents/Guidance**

- 7.2 SPD “Accessible Homes and Playspace”

### **National Policies**

- 7.3 National Planning Policy Framework – (9 February 2019)

### **Other Material Considerations**

- 7.4 ECC Parking Standards  
UDC Parking Standards  
Essex Design Guide

## **8. PARISH COUNCIL COMMENTS**

- 8.1 Elsenham Parish Council have not commented on this application at the time of drafting this report.

## **9. CONSULTATIONS**

### **ENVIRONMENTAL HEALTH**

- 9.1 There are no environmental health objections to the construction of a new single storey dwelling with associated external works and parking Environmental Health have no reason to believe there is contamination on the site and have recommended that a condition be placed on the application to protect the future occupiers.

- 9.2 Noise Impact:  
The site sits between the M11 and the rail track and although it is not directly adjacent to these noise sources, there is the potential for traffic and train noise to cause disturbance;

- 9.3 Contaminated Land:  
The Council has no reason to believe this site is contaminated and is not aware of any potentially contaminative past use, however, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site;

- 9.4 **RECOMMENDED CONDITIONS:**  
If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.  
Reason: To protect human health and the environment

- 9.5 Prior to first occupation of the house hereby permitted, a scheme of sound insulation measures to achieve suitable internal noise levels as set out in BS 8233: 2014 shall have been submitted to and approved in writing by the Local Planning Authority and subsequently installed. The measures as approved shall be thereafter retained as such unless the prior written agreement is given by the local planning authority.

## **ECC HIGHWAYS**

- 9.6 From a highway and transportation perspective the Highway Authority has no objections to this proposal, as shown in principle on DWG no. UDC-880-P01, as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

## **BAA (MAG) SAFEGUARDING**

- 9.7 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria.  
We have no aerodrome safeguarding objections to the proposal.

## **10. REPRESENTATIONS**

- 10.1 37 Neighbours consulted – expired 10.02.20 – Three representation received, objecting to the planning application.

- 10.2 A summary of the points raised in the representations are:

- Parking on the main road
- Parking not safe as is on a bend
- No drop kerb
- Plans not accurate, not a parking court to the rear of 67-69
- Potential for road accidents due to the relocation of parking
- Carpark was used by residents of New Road/Bedwell Road as well as Gold Close
- Carpark was previously used by refuse collectors to collect bins from no 67-79 New Road
- Volume of traffic has increased
- Construction noise
- Loss of light
- Requesting conditions on when the build will start and finish, on weekdays only.
- No fence higher than 6 feet
- Encroachment of land when the carpark and bungalows were originally built
- Lack of parking spaces for bungalows 3-8
- Lack of visitor parking in Gold Close
- No written notice of carpark being closed
- Proximity to boundary of No 2 Gold Close
- Construction traffic
- Access to property during construction

## **11. APPRAISAL**

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

- A The principle of the development (Policies S3 and H3)
- B Whether the layout, design and appearance of the proposal is acceptable (NPPF)

and Local Policy GEN2)

- C Impact to neighbours (Policy GEN2 and GEN4)
- D Vehicular access and parking (Policies GEN1 and GEN8)
- E Amenity of future occupiers (Policy GEN2, ENV10 and ENV14)
- F If there are any ecology issues would arise from the development (Policy GEN7).

**A The principle of the development (Policies S3 and H3)**

- 11.1 The site is within the Defined Development Limit of Elsenham; the proposal is for residential development within a residential area.
- 11.2 Policy S3 states that within Key Rural Settlements, such as Elsenham, development compatible with the settlement's character and countryside setting will be permitted. Policy H3 states that infilling with new houses will be permitted on land in a list of defined settlements, which includes Elsenham, if the development would be compatible with the character of the settlement. Policy H3 goes on to say that windfall sites will be permitted if they meet all of a number of criteria.
- 11.3 The first criterion of Policy H3 is that the site comprises previously developed land. This is the case.
- 11.4 The second criterion is that the site has reasonable accessibility to jobs, shops and services by means other than the car. Elsenham is a sustainable location and as such the second criterion is met.
- 11.5 The third criterion is that existing infrastructure has the capacity to absorb further development. Whilst a number of written representations from neighbouring residents have questioned whether this is the case, infrastructure provision in a settlement the size of Elsenham is better than in many locations within the district and a reason for refusal on this basis would not be tenable.
- 11.6 The fourth criterion is that development would support local services and facilities. The addition of three households would support local services and facilities.
- 11.7 The site is not a key employment site.
- 11.8 The development would avoid making inefficient use of land.
- 11.9 Furthermore, the proposal meets a requirement of the NPPF, set out at section 11, of making effective use of land. Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes. The Council is not currently able to demonstrate a five housing land supply and the proposal would assist in some part to reach this objective.
- 11.10 The principle of the development is acceptable with regard to Policies S3 and H3.

**B Whether the layout, design and appearance of the proposal is acceptable (NPPF and Local Policy GEN2)**

- 11.11 As referred to above, strategic policies require development to be compatible with a settlement's character. Policy GEN2 provides more detail as to this consideration stating that development will not be permitted unless its design meets all of a number of criteria.
- 11.12 The first criterion of Policy GEN2 is that the development be compatible with the scale, form, layout, appearance and materials of surrounding buildings. The buildings immediately surrounding the site are single storey bungalow style dwellings, set approximately 23m to the south from the red line of the proposal you have the 2 storey dwellings that reside in New Road. Having considered the setting to the site, the existing street scene it is thought that in broad terms the scale, form and appearance of the proposal is acceptable. The layout would be compatible with surroundings in that the single bungalow would sit in the corner between two existing bungalows.
- 11.13 The second criterion is that the development should safeguard important environmental features in its setting. The site is currently empty with the exception to a hedge to the western border, the plans show that more hedgerow will be introduced into the proposal, therefore it is considered to meet this criteria.
- 11.14 With regard to the appearance of the proposal within its street scene, the proposal is considered acceptable with regard to Policy GEN2.

### **C Impact to neighbours (Policy GEN2 and GEN4)**

- 11.15 The site has two immediate neighbours; no 2 Gold Close to the east and no 3 Gold Close to the north of the site.
- 11.16 The existing Bungalows are single storey, the proposed new dwelling has been designed to take this into account and minimise any potential harm to the neighbours.
- 11.17 The north elevation consists of a front door with associated narrow casement window to the side of the door and a double casement window that is bedroom 3. The dwelling is set back within the site away from no 3 Gold Close as the window to bedroom 3 does not look directly into any windows on the side of the existing dwelling.
- 11.18 To the east elevation you have a triple casement window for bedroom 1 and a double casement window for bedroom 2. They are not primary rooms and as they are on the ground floor no considered to lead to any overlooking of the neighbours. The bungalow is also set back from no 2 Gold Close and from a site visit there does not appear to be any windows on the side of the dwelling as it is a garage.
- 11.19 Due to positioning of proposed built form, isolation distances and orientation there would be no material loss of amenity to any neighbour with regard to loss of daylight, overbearing impact or overshadowing.
- 11.20 Due to the size of the plot, it is recommended that Permitted Development Rights be removed in order to protect the amenities of the neighbouring dwellings and to stop overdevelopment of the site.
- 11.21 With regard to impact to neighbours, the proposal is acceptable with regard to Policy GEN2 and GEN4.

## **D Vehicular access and parking (Policies GEN1 and GEN8)**

- 11.22 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than the car.
- 11.23 The existing vehicle access into the site will be utilised for the new dwelling. As it was previously a carpark it is considered that the traffic movements and number of additional vehicles as a result of the new use are such that no significant harm would occur in terms of highway safety.
- 11.24 The Highways Agency have not raised any issues regarding this proposal, therefore the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.
- 11.25 The four bedroomed house would require 3 no. parking spaces each to meet the relevant parking standard. This requirement has been demonstrated by the applicant. The proposal is considered acceptable with regard to Policy GEN8.

## **E Amenity of future occupiers (Policy GEN2, ENV10 and ENV14)**

- 11.26 The new dwelling would have a private amenity area which would meet the relevant standard. Open plan kitchen, dining and living areas would be set at the rear of the bungalow, with access to the rear garden.
- 11.27 There are no Environmental Health objections to the construction of a new single storey dwelling subject to recommended conditions to protect the occupiers.
- 11.28 Environmental Health have no reason to believe there is contamination on the site and are recommending that a condition be placed on the application to protect the future occupiers and ensure that the site is made suitable for its end use.
- 11.29 Due to its location between the M11 and railway line, there is the potential for noise disturbance to the future occupiers of the dwelling.
- 11.30 Environmental Health are recommending that prior to first occupation, that a scheme of sound insulation measures to achieve suitable internal noise levels as set out in BS 8233: 2014 shall have been submitted to and approved in writing by the Local Planning Authority and subsequently installed. This would be to protect the future occupiers from noise disturbance.
- 11.31 The dwelling would provide an environment which would meet the reasonable needs of all potential users and as such is acceptable with regard to Policy GEN2.

## **F If there are any ecology issues would arise from the development (ULP Policy GEN7).**

- 11.32 The application includes a completed biodiversity checklist which indicates there are no potential issues; this has been checked during the case officer's site visit.

## **12. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A** The site forms part of the built-up settlement of Elsenham and is within the defined development limit. There can be no objection in principle.
- B** The design of the proposal is acceptable in that it would appear sympathetic to the character and appearance of the street scene and the proposed design fits the general pattern formed by surrounding development.
- C** Due to positioning of proposed built form, isolation distances and orientation there would be no material loss of amenity to any neighbour with regard to loss of daylight, overbearing impact or overshadowing.
- D** The proposal would not result in detrimental harm upon highway safety and adequate parking provisions have been provided to accommodate the use.
- E** The dwelling would provide a safe quiet environment which would meet the reasonable needs of all potential users.
- F** There is no evidence that the proposed development will have harmful impact to adverse impact on protected species.

## **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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Part 1 of Schedule 2 and Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and protect the amenities of the neighbouring dwellings, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (2005).

3. Prior to occupation the dwelling shall be provided with an electric vehicle charging point. The charging point shall be fully wired and connected, ready to use and retained thereafter.

REASON: to encourage/support cleaner vehicle usage in accordance with policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

4. The dwelling approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.



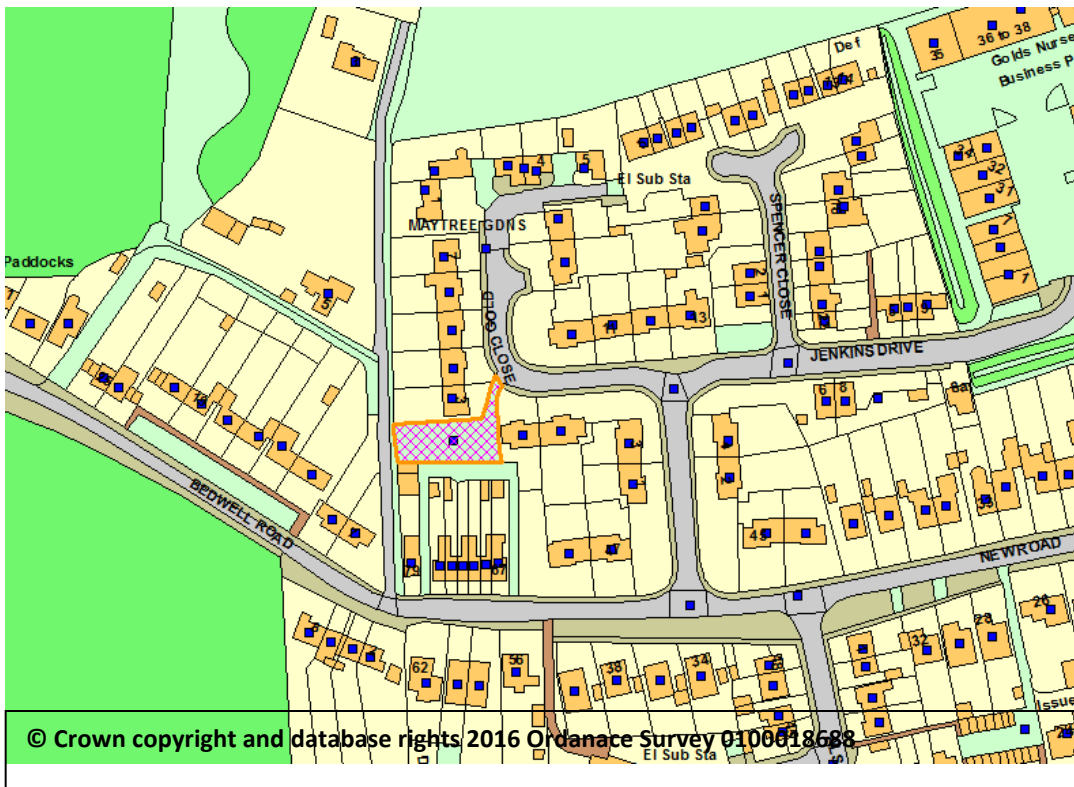
REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace.

5. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment

6. Prior to first occupation of the house hereby permitted, a scheme of sound insulation measures to achieve suitable internal noise levels as set out in BS 8233: 2014 shall have been submitted to and approved in writing by the Local Planning Authority and subsequently installed. The measures as approved shall be thereafter retained as such unless the prior written agreement is given by the local planning authority.

REASON: To protect the future occupiers of the dwelling.



Organisation:	Uttlesford District Council
Department:	Planning
Date:	06 August 2020