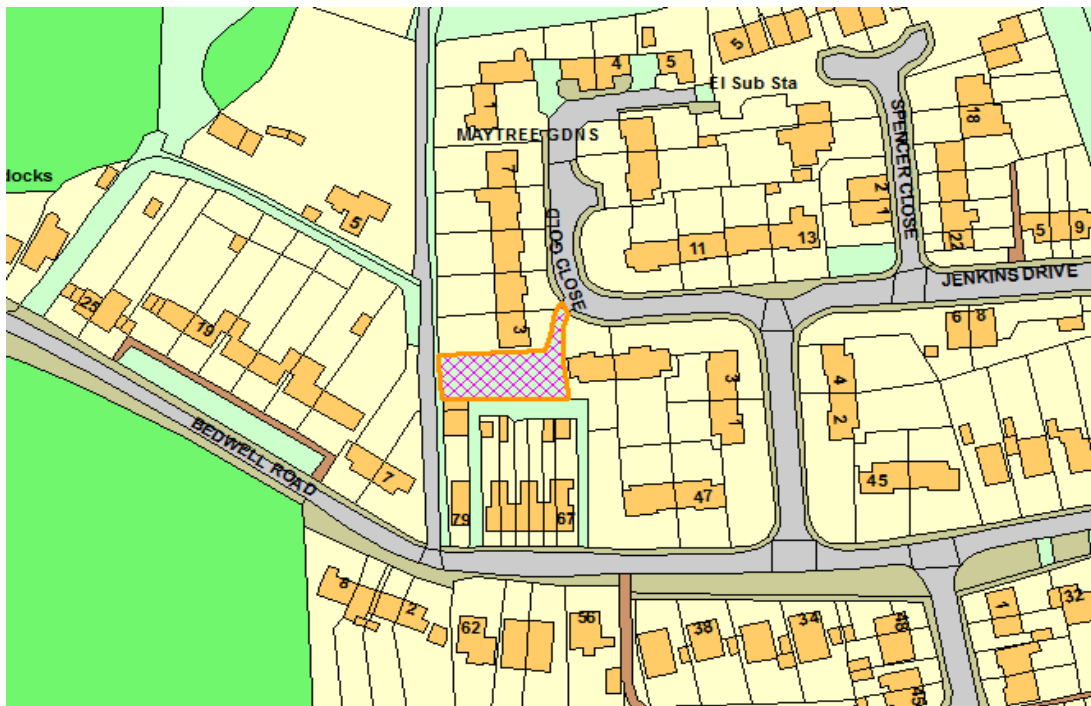


**REFERENCE NUMBER: UTT/21/3445/FUL**

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



**SITE LOCATION PLAN:**

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Organisation: Uttlesford District Council      Date: 20<sup>th</sup> December 2021

**PROPOSAL:** Retention of air source heat pump for bungalow approved under UTT/20/1082/FUL

**APPLICANT:** Mr Doug Malins

**AGENT:** Miss Amy Wilson

**EXPIRY DATE:** 14.01.2022

**EXTENSION OF TIME:** 18.02.2022

**CASE OFFICER:** Mark Sawyers

**NOTATION:** 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)  
Within 500m - Oil Pipeline Hazardous Installation Consultation Area  
Within 2km of S.S.S.I  
Within 6km of Airport  
Mineral Safeguarding Area – Sand/Gravel

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**1. RECOMMENDATION – APPROVAL WITH CONDITIONS**

**CONDITIONS:**

1. The air source heat pump that is installed at the dwelling shall be enclosed or otherwise attenuated as necessary to ensure that noise resulting from its operation shall not exceed the existing background noise level inclusive of any penalty for tonal, impulsive, or other distinctive acoustic characteristics when measured or calculated according to the provisions of the latest BS4142 Standard.

REASON: To protect the amenity of neighbouring residential properties, in accordance with the provisions of Policies GEN4 and ENV10 of the adopted Uttlesford Local Plan 2005.

**2. DESCRIPTION OF THE SITE:**

- 2.1 The proposed site consists of a single storey bungalow that was previous a parking court for the residents of Gold Close. The site is accessed via Gold Close using the existing access and is approximately 460m<sup>2</sup> in size.
- 2.2 To the rear of the site (south) is the right of way that leads to the rear the dwellings fronting Bedwell/New Road.
- 2.3 The distance from the rear elevation of the dwellings in Bedwell/New Road and the site boundary is approximately 23m.
- 2.4 To the North and East of the proposed site are bungalows off Gold Close.

2.5 External materials of the bungalow consist of red-faced brick to the walls, brown concrete pantiles to the roof, white uPVC windows and black uPVC gutters.

### **3. PROPOSAL**

3.1 The proposal is seeking the retention of air source heat pump for bungalow approved under UTT/20/1082/FUL.

3.2 The air source heat pump is located to the south of the site behind the bungalow.

3.3 The external measurements of the air source heat pump are 809mm in width x 300mm deep x 715mm in height.

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

4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

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

5.1 The applicant has provided the following information in support of the planning application:

- ASHP Relocation Declaration
- Manufactures Schematics

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

6.1 UTT/20/1082/FUL – The construction of a new single storey dwelling with associated external works and parking (APPROVAL)

### **7. CONSULTATION RESPONSES**

#### **7.1 UDC – Environmental Health**

No objections subject to the imposition of condition regarding:

- The operating noise level of the air source heat pump

### **8. REPRESENTATIONS**

No letters of representations were received from neighbouring residents.

### **9. POLICIES**

9.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:

- (a) the provisions of the development plan, so far as material to the application, (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

9.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### 9.3 **National Policies**

National Planning Policy Framework (2021)

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

Policy S3 – Other Development Limits

Policy GEN2 – Design

Policy GEN4 – Good Neighbourliness

Policy ENV10 – Noise Sensitive Development

## 10 **CONSIDERATION AND ASSESSMENT:**

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

- A The principle of the development (ULP Policy S3 and the NPPF)**
- B Design, Character and Appearance (ULP Policy GEN2 and NPPF)**
- C Neighbouring Amenity (ULP Policies GEN2 and GEN4)**
- D Environmental Health (ENV10)**

### **A The principle of the development (ULP Policy S3 and the NPPF)**

10.2 The site is within the defined Development Limit of Elsenham; the application concerns works associated with residential development within a residential area.

10.3 Policy S3 states that within Key Rural Settlements, such as Elsenham, development compatible with the settlement's character and countryside setting will be permitted.

10.4 Due to the design and scale of the development it is not considered that the retention of an air source heat pump in this location will have a detrimental impact on the openness of locality.

10.5 Therefore, the development is acceptable with regard to Policy S3 of the adopted Local Plan.

### **B Design, Character and Appearance (ULP Policy GEN2 and NPPF)**

10.6 Strategic planning 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.

10.7 The first criterion of Policy GEN2 is that the development be compatible with the scale, form, layout, appearance, and materials of surrounding buildings.

- 10.8 Having considered the setting of the site and the existing street scene and the location of the air source heat pump it is thought that the retention of this development in this location is acceptable.
- 10.9 The second criterion is that the development should safeguard important environmental features in its setting. The development does not seek to harm these features. As such the proposal is considered to meet this criterion.
- 10.10 It is therefore concluded that the development in this location accords with the above policies and guidance insofar as they relate to character and appearance. The proposal therefore accords with Policy GEN2 and the NPPF.

### **C Neighbouring Amenity (ULP Policies GEN2 and GEN4)**

- 10.11 The site has two immediate neighbours; no 2 Gold Close to the east and no 3 Gold Close to the north of the site.
- 10.12 Due to positioning of air source heat pump within the site, there would be no material loss of amenity to any neighbour with regard to loss of daylight, overbearing impact, overshadowing or unacceptable levels of noise, subject to the imposition of conditions.
- 10.13 With regard to impact to neighbours, the proposal is acceptable with regard to Policies GEN2 and GEN4.

### **D Environmental Health (ENV10)**

- 10.14 Uttlesford District Council's Environmental Health Team have been consulted and have no objections subject to a condition regarding the noise of the air source heat pump.

## **11 EQUALITIES**

- 11.1 Equality Act 2010
- 11.2 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 11.3 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.4 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

## **12 CONCLUSION**

- 12.1 The principle of the development is not in conflict with ULP Policy S3 and the NPPF.
- 12.2 The layout, scale and appearance of the development is considered appropriate in terms of the character of the site and surrounding area. The development accords with ULP Policy GEN2 and the NPPF.
- 12.3 The submitted layout plans shows that impacts on residential amenity are likely to be insignificant and therefore accords with ULP Policies GEN2 and GEN4.
- 12.4 The proposal accords with ULP Policy ENV10.