

Public Document Pack

Uttlesford District Council

Chief Executive: Peter Holt

Planning Committee

Date: Wednesday, 16th February, 2022

Time: 10.00 am

Venue: Council Chamber - Council Offices, London Road, Saffron Walden, CB11 4ER

Chair: Councillor S Merifield

Members: Councillors G Bagnall, J Emanuel, P Fairhurst, R Freeman, G LeCount, M Lemon (Vice-Chair), J Loughlin, R Pavitt, N Reeve and M Sutton

Substitutes: Councillors M Caton, A Coote, N Gregory, V Isham, B Light, G Sell, G Smith and J De Vries

Public Speaking

At the start of each agenda item there will be an opportunity for members of the public to ask questions and make statements subject to having given notice by 2pm on the day before the meeting. Please register your intention to speak at this meeting by writing to committee@uttlesford.gov.uk

Public speakers will be offered the opportunity for an officer to read out their questions or statement at the meeting, and encouraged to attend the meeting via Zoom to read out their questions or statement themselves. There is capacity for four additional people to attend the Chamber in person and seats will be available on a first come first serve basis, so please do get in touch as soon as possible if this is of interest.

For further information, please see overleaf. Those who would like to watch the meeting live can do so virtually [here](#). The broadcast will be made available as soon as the meeting begins

**AGENDA
PART 1**

Open to Public and Press

- 1 Apologies for Absence and Declarations of Interest**
To receive any apologies for absence and declarations of interest.
- 2 Minutes of the Previous Meeting** 4 - 8
To consider the minutes of the previous meeting.
- 3 Speed and Quality** 9
To consider the Speed and Quality statistics.
- 4 UTT/20/0223/FUL - The Cottage, Molehill Green, TAKELEY** 10 - 46
To consider application UTT/20/0223/FUL.
- 5 UTT/21/3445/FUL - Former Parking Court Adjacent To 3 Gold Close, ELSENHAM** 47 - 52
To consider application UTT/21/3445/FUL.
- 6 UTT/22/0034/NMA - Land at Thaxted Road, SAFFRON WALDEN** 53 - 57
To consider application UTT/22/0034/NMA.

MEETINGS AND THE PUBLIC

In light of the High Court judgement regarding the extension of remote meeting regulations, Council, Cabinet and Committee meetings will now be returning to in-person and will be held on-site from Thursday 6th May 2021. However, due to social distancing measures and capacity considerations in line with the Council's risk assessment, public access and participation will continue to be encouraged virtually until further notice. Members of the public are welcome to listen live to the debate of any of the Council's Cabinet or Committee meetings. All live broadcasts and meeting papers can be viewed on the Council's calendar of meetings webpage.

Members of the public and representatives of parish and town councils are permitted to speak at this meeting and will be encouraged to do so via the video conferencing platform Zoom. If you wish to make a statement via Zoom video link, you will need to register with Democratic Services by 2pm the day before the meeting. Those wishing to make a statement via video link will require an internet connection and a device with a microphone and video camera enabled. Those wishing to make a statement to the meeting who do not have internet access can do so via telephone.

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Agenda Item 2

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 19
JANUARY 2022 at 10.00 am**

Present: Councillor S Merifield (Chair)
Councillors M Caton (substitute for Councillor Loughlin), A Coote
(substitute for Councillor Bagnall), J Emanuel, P Fairhurst,
R Freeman, G LeCount, M Lemon (Vice-Chair), R Pavitt,
N Reeve and M Sutton.

Officers in attendance: W Allwood (Principal Planning Officer), R Beale (Planning
Officer), N Brown (Development Manager), C Edwards
(Democratic Services Officer), C Gibson (Democratic Services
Officer), A Howells (Business and Performance Manager), A
Lindsell (Democratic Services Officer) and E Smith (Solicitor).

Public Speakers: M Alder, O Armes, N Bennett, Councillor M Foley, J Hartley-
Bond, R Haynes, Councillor L Pepper (as a resident), Councillor
V Knight, K Rodwell, R Siddle, Councillor S Sidgwick, J Sihota,
G Wassell, E Wells, J White and T Wilson.

PC90 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Bagnall: Councillor Coote substituted.

Apologies for absence were received from Councillor Loughlin: Councillor Caton substituted.

There were no declarations of interest.

PC91 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 15 December 2021 were approved.

PC92 **SPEED AND QUALITY**

The Development Manager outlined the report.

The report was noted.

PC93 **VALIDATION CHECKLISTS**

The Business and Performance Manager confirmed that the Local Validation Checklist needed to be reviewed every two years.

Consultations were undertaken in 2021 and the main proposed addition was relating to the Recreational Disturbance Avoidance Mitigation Strategy (RAMS) payments which covers part of Felsted. The RAMS is a payment due for all additional new houses of £127.30.

For developments of nine or less houses it was proposed that payment is submitted as part of the validation, to be fully refunded if permission is refused. Alternatively, a unilateral undertaking could be submitted to confirm agreement to pay the RAMS payment if planning permission is granted.

The Chair proposed the adoption of the amended Local Validation Checklist, and this was seconded by Councillor Fairhurst.

RESOLVED to adopt the amended Development Management Local Validation Checklists and associated document for Development Management validation purposes.

PC94 **UTT/21/1833/FUL - LAND WEST OF THAXTED, CUTLERS GREEN LANE, THAXTED**

The Principal Planning Officer presented an application seeking the construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping.

The application was recommended for approval with conditions with Section 106.

Members discussed:

- What the public rights of way would look like post development.
- Whether there was a flood management plan in place.
- Whether there was a fire and catastrophe management plan in place.
- The relevance of the Thaxted Neighbourhood Plan that was over three years old.
- Inconsistencies in evidence both for and against the proposal.
- The absence of a full set of plans given that it was a full application. This could include artist's impressions and CGI's.
- Lack of national policy guidance.
- The grading of the land, historic and rural settlement.
- The temporary use of the land for 40 years.
- The need to act in response to the climate crisis.
- Promoting woodland and grassland areas.
- The need to strengthen Special verges preservation.
- Possible noise levels.
- The possibility of conditioning annual landscaping inspections.
- Enhanced community benefits for Cutlers Green being conditioned within the S106 and of generally strengthening conditions.
- Accumulative impact.
- The absence of objections from statutory consultees.

- The obligation to support renewable energy production.
- The obligation to achieve the best productive output value from the land, be that food, trees, housing or provision of renewable energy.
- Biodiversity and pesticide considerations.

Councillor Coote left the meeting at 11:43am.

Councillor Pavitt proposed that a decision be deferred until further clarity was provided within the conditioning and further details be provided relating to drainage, the robustness of the ongoing maintenance and landscaping, noise, fire safety and general safety, protected verge issues, biodiversity and nature corridors.

Councillor Lemon seconded the motion and Councillors voted unanimously in favour of the deferral.

RESOLVED to defer a decision until further clarity is provided within the conditioning and further details are provided relating to drainage, the robustness of the ongoing maintenance and landscaping, noise, fire safety and general safety, protected verge issues, biodiversity and nature corridors.

M Alder, Councillor M Foley, R Haynes, Councillor V Knight (Chair of Thaxted PC), R Siddle, T Wilson and J White spoke against the application.

J Hartley-Bond (Applicant) spoke in support of the application.

The meeting adjourned at 12:01pm and reconvened at 1:01pm.

PC95 **UTT/21/1495/FUL - LAND EAST OF THE STAG INN, DUCK STREET, LITTLE EASTON**

The Planning Officer presented an application seeking the erection of 44 residential units and 3 commercial units (flexible space); inclusion of 3 additional plots for self-build homes; together with associated access, car parking and landscaping.

The application was recommended for approval with conditions with S106.

The meeting adjourned at 1:48pm for a comfort break and reconvened at 1:55pm.

The Council's Solicitor stated that any previous decisions made by the Planning Committee were of no relevance to the decision to be made in this instance. She said that the matter had previously been deferred and she asked that Members should confirm their open-mindedness in the decision-making process.

Members discussed:

- The fact that only the Environment Agency can take the adequacy of the sewerage system into consideration with regard to planning matters.
- Serious health concerns needed to be considered in regard to the sewerage system.
- The clustering of the affordable housing in one area of the proposed development. This cluster had been deemed acceptable by the Housing Team.
- Commercial units offering local employment opportunities, which could reduce travel to work.
- Disproportionate size of development and overdevelopment in comparison to the size of the village.
- The need for developments to match the area they are adjoining to prevent loss of character in the area.
- The potential loss of the river valley view.
- The current lack of amenities in the village.
- The urban form of design, particularly the contemporary brick work that failed to echo the surrounding area.
- The proposal for 40% affordable housing was favourably received.
- Whether the harm outweighs the benefit of the proposed development in respect of the tilted balance arguments.
- The actual viability of the commercial units.
- Traffic and access issues.

The Council's Solicitor reminded members that in the light of the fact the application had been deferred to obtain further information, that they should be mindful of the appearance of pre-determination and that they should consider the application upon the basis of the materials put forward at this meeting.

The Development Manager reminded members of the lack of five year land supply.

The Chair reminded members that statutory consultees had not objected to this application.

The Development Manager confirmed that he would endeavour to work with the developer to put pressure on Anglian Water to resolve the sewerage issues at this site.

Councillor Fairhurst proposed that the application be refused on the grounds of S7 and this was seconded by Councillor Sutton.

The motion was lost.

Councillor Lemon proposed that the application be approved subject to the conditions with S106, to also include an informative highlighting the sewerage concerns and to include the hours of operation and parking on site within condition 13. Councillor LeCount seconded the proposal.

RESOLVED to approve the application, subject to the conditions with S106 and an informative as detailed above.

O Armes, Councillor M Foley, Councillor L Pepper (as a resident), K Rodwell, Councillor S Sidgwick, J Sihota, G Wassell and E Wells spoke against the application.

N Bennett (Agent) spoke in support of the application.

Councillor Pavitt left the meeting at 2.45pm.

PC96 **UTT/21/3719/TCA - THE BLUEBELL INN, HIGH STREET, HEMPSTEAD**

The Development Manager presented a notification of intent to fell a walnut tree within a conservation area at The Bluebell Inn, High Street, Hempstead.

It was recommended that there be no objection to the proposed tree works.

Councillor Fairhurst sought clarification as to what was wrong with the walnut tree.

Councillor Coote proposed that there was no objection to the proposed tree works and this was seconded by Councillor Fairhurst.

RESOLVED that there was no objection to the proposed tree works.

The meeting ended at 2:50pm.

Criteria For Designation – Speed and Quality

Speed of planning decisions

Measure and type of Application	Threshold and assessment period.	Threshold and assessment period.	Live Table
	October 2018 - September 2020	October 2019 to September 2021	
Speed of major Development (District and County)	60% (70.27%)	60% (76.27%)	District - P151a
Speed of non-major Development	70% (74.43%)	70% (82.75%)	P153

UDC performance in red % greater than the threshold is good

Quality – Appeals

Measure and type of Application	Threshold and assessment period.	Threshold and assessment period.	Live Table
	April 2018 - March 2020	April 2019 to March 2021	
Quality of major Development (District and County)	10% (16.5%)	10% (17.57*)	District - P152a
Quality of non-major Development	10% (2.44%)	10% (2.88%*)	P154

**to 02/02/2022 with 1 Major appeal decision received as Allowed but was received after 31/12/2021 and therefore doesn't get counted in this round of designation criteria.*

and

14 Non-Major appeals pending

UDC performance in red - 10% and above is a fail on the quality indicator

Agenda Item 4

REFERENCE NUMBER: UTT/20/0223/FUL

**LOCATION: The Cottage, Molehill Green, Takeley,
CM22 6PQ**

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 01 February 2022.

PROPOSAL: Demolition of existing terrace houses, Village Stores, Meadow View and The Cottage, merging their plots to enable the erection of 6 no. Terrace houses with associated parking and landscaping including new access road.

APPLICANT: Castle Lane Securities Limited

AGENT: Mr Amir Shahkamrani

EXPIRY DATE: 30.03.2020 (Extension of Time to 18.02.2022)

CASE OFFICER: Alex Cowling

NOTATION: Outside Development Limits / Countryside Protection Zone

1.0 RECOMMENDATION: APPROVAL WITH CONDITIONS

1.1 PROPOSED CONDITIONS

1. Time Limit

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. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

3. Materials (Pre-Commencement)

Prior to commencement of development 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 the development is compatible with the character and appearance of the area to accord with Saved Policy GEN2 of the adopted Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

4. **CEMP (Pre-Commencement)**

Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CEMP thereafter. The approved Statement shall be adhered to throughout the construction period.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to protect the living conditions of surrounding occupiers and in the interest of aviation safety to accord with Policies GEN1, GEN2 and GEN4 of the adopted Uttlesford Local Plan (2005), the Essex County Council Highways Development Management Policies (February 2011) and the National Planning Policy Framework (2021).

5. **Tree Protection (Pre-Commencement)**

Development shall not commence until a scheme detailing measures to protect the trees and/or other areas of vegetation indicated to be retained

within the approved Arboricultural Impact Assessment Report – Appendix A (190625-PD-11, January 2020) during the demolition, engineering and construction phase(s), has been submitted to and approved in writing by the Local Planning Authority. Details must include the type and location of tree protective fencing and the method of installation. Development shall not commence until the works comprising the approved scheme have been fully installed/completed. The approved measures must be retained throughout the demolition, engineering and construction phase(s) of the development. No plant, equipment or materials shall be stored or placed within any fenced area at any time.

REASON: This detail is required prior to development commencing on site in the interest of protecting the trees and the character of the area, and to accord with Policies GEN2 and ENV3 of the adopted Uttlesford Local Plan (2005) and the National Planning Policy Framework.

6. Submission of an Arboricultural Method Statement (Pre-Commencement)

No development or operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction – Recommendations) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include full details of the following:

- a) Details of any construction works required within the root protection areas as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme and methods to minimise impact on the root protection areas of retained trees.
- b) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order, 2015 (as amended), no services shall be dug or laid into the ground other than in accordance with the approved details.
- c) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement.

Thereafter all trees identified to be retained within the approved Arboricultural Impact Assessment Report – Appendix A (190625-PD-11, January 2020) shall be protected in accordance with the approved AMS to ensure that:

- a) All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998:2010 - Recommendations for Tree Works.
- b) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- c) No fires should be lit within 6m of the furthest extent of the canopy of any tree or tree group to be retained as part of the approved scheme.
- d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
- e) No development or other operations shall take place except in complete accordance with the approved protection scheme and Arboricultural Method Statement.

This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

REASON: Details are required prior to the commencement of development to ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality in accordance with Policies GEN2 and ENV3 of the adopted Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

7. Natural England Bat Mitigation Class Licence (Pre-Commencement)

Development shall not commence (including any ground works or demolition) until one of the following has been submitted to and approved in writing by the Local Planning Authority:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) a method statement supplied by an individual registered to use a Natural England Bat Mitigation Class Licence (BMCL); or
- c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.”

REASON: To conserve Protected and Priority species in accordance with Policy GEN7 of the adopted Uttlesford Local Plan (2005) and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife &

Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

8. Noise Mitigation (Pre-Commencement)

Development shall not commence until a fully detailed scheme of noise mitigation has been submitted and approved in writing by the local planning authority.

Details shall include the design, layout, and acoustic noise insulation performance specification of the external building envelope, having regard to the building fabric, glazing and ventilation. The scheme shall be based on sound insulation calculations provided in British Standard 8233:2014 – (the rigorous calculation contained in Annex G.2.1) and shall be designed to achieve the following noise targets:

- Bedrooms (23.00-07.00 hrs) 30 dB LAeq and for individual noise events to not normally exceed 45 dBLAmax.
- Living Rooms (07.00-23.00 hrs) 35 dB LAeq.

Should mechanical ventilation be required noise from the system will not present an adverse impact on occupants. The alternative means of ventilation will enable optimum living conditions for heating and cooling in all weather and with reference to climate change predictions and as a minimum must comply with Building Regulation approved document F.

The alternative means of ventilation shall be maintained thereafter. The scheme shall also detail the location and specification and acoustic properties of boundary fences to demonstrate that they are designed to achieve the lowest practicable noise levels in the external amenity spaces. The scheme as approved shall be fully implemented prior to occupation of the residential units and shall be retained thereafter and not altered without prior approval.

REASON: In the interest of the residential amenity of future occupiers in accordance with Policy ENV10 of the adopted Uttlesford Local Plan (2005) and the National planning Policy Framework (2021).

9. Biodiversity Enhancement Layout (Slab Level)

Prior to any works above slab level, a Biodiversity Enhancement Layout following the recommendations made within the Preliminary Ecological Appraisal (Tim Moya Associates, January 2020) and the Bat Survey Report (Tim Moya Associates, August 2020) shall be submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be implemented in accordance with the approved details prior to the occupation of any of the dwellings hereby approved, and all features shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species in accordance with Policy GEN7 of the adopted Uttlesford Local Plan (2005) and to allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

10. **Visibility Splays (Prior to Occupation)**

Prior to the occupation of any of the dwellings hereby approved, the access at its centre line shall be provided with a clear to ground visibility splays with dimensions of 2.4 metres by 43 metres as measured from and along the nearside edge in each direction, as shown on DWG no. FXR-105-A-14 Rev. A (Titled – Proposed Ground Floor Layout Showing New Access Road Dimensions No Build Zone & Visibility Splays). Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety to accord with Policy GEN1 of the adopted Uttlesford Local Plan (2005), the Essex County Council Highways Development Management Policies (February 2011) and the National Planning Policy Framework (2021).

11. **Provision of Access (Prior to Occupation)**

Prior to the occupation of any of the dwellings hereby approved, the access shall be formed at a right angle to the carriageway, and shall be constructed to a minimum width of 5.5 metres for at least the first 6 metres from the back of the carriageway and provided with an appropriate dropped kerb crossing of the footway/verge as shown on DWG no. FXR-105-A-14 Rev. A (Titled – Proposed Ground Floor Layout Showing New Access Road Dimensions No Build Zone & Visibility Splays).

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety to accord with Policy GEN1 of the adopted Uttlesford Local Plan (2005), the Essex County Council Highways Development Management Policies (February 2011) and the National Planning Policy Framework (2021).

12. **Footway (Prior to Occupation)**

Prior to the occupation of any of the dwellings hereby approved, the footway along the site frontage shall be increased in width to a minimum of 2 metres (if achievable in the extent of the highway boundary).

REASON: In the interest of highway safety and accessibility to accord with Policy GEN1 of the adopted Uttlesford Local Plan (2005) and the Essex

County Council Highways Development Management Policies (February 2011) and the National Planning Policy Framework (2021).

13. Parking/Turning (Prior to Occupation)

Prior to the occupation of any of the dwellings hereby approved, the associated parking and/or turning area indicated on DWG no. FXR-105-A-11 Rev. D (Titled - Proposed Ground Floor Layout) shall be provided. The vehicle parking and associated turning area shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided to accord with Policies GEN1 and GEN8 of the adopted Uttlesford Local Plan (2005), the Essex County Council Parking Standards (2009) and Uttlesford Local Residential Parking Standards (2013), the Essex County Council Highways Development Management Policies (February 2011) and the National Planning Policy Framework (2021).

14. Cycle Parking/Storage (Prior to Occupation)

Prior to the occupation of any of the dwellings hereby approved, the associated cycle parking facilities as shown on DWG no. FXR-105-A-11 Rev. D (Titled - Proposed Ground Floor Layout) shall be provided. The cycle parking facilities shall be retained in this form at all times.

REASON: To ensure appropriate bicycle parking is provided and to encourage more environmentally sustainable means of travel to accord with Policy GEN1 of the adopted Uttlesford Local Plan (2005), the Essex County Council Highways Development Management Policies (February 2011) and the National Planning Policy Framework (2021).

15. Sustainable Transport Improvements (Prior to Occupation)

Prior to the occupation of any of the dwellings hereby approved, improvements to the passenger transport infrastructure at the 'informal' bus stops located on both sides of Molehill Green Road in the vicinity of the site shall be provided. The formalisation of the bus stops / improvements to include (where appropriate) but not limited to; raised kerbs, hardstanding, flags, pedestrian crossing points, footway, and any other related infrastructure as deemed necessary by the Highway Authority. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority, and shall be implemented prior to occupation.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in the interests of climate

change to accord with Policies GEN1 and GEN2 of the adopted Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

16. **EVC (Prior to Occupation)**

Prior to occupation, all of the dwellings shall be provided with electric vehicle charging points in accordance with the guidance in Approved Document S 2021. The charging point shall be fully wired and connected ready for your first use and retained for occupant use thereafter.

REASON: The charging points are required to support a move to low carbon transport in the interests of climate change to accord with Policies GEN1 and GEN2 of the adopted Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

17. **Wildlife Sensitive Lighting Design Scheme (Prior to occupation)**

Prior to the occupation of any of the dwellings hereby approved, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings, and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To conserve Protected and Priority Species in accordance with Policy GEN7 of the adopted Uttlesford Local Plan (2005) and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

18. **Surface Water Maintenance (Prior to Occupation)**

Prior to the occupation of any of the dwellings hereby approved, a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, including details of long-term funding arrangements should any part be maintainable by a maintenance company, shall be submitted to and agreed, in writing, by the Local Planning Authority.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk to accord with Policy GEN3 of the adopted Uttlesford Local Plan and the National planning Policy Framework (2021).

19. **Hard & Soft Landscaping (comply)**

All hard and soft landscape works 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, and 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: To ensure the development is compatible with the character and appearance of the area and that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity to accord with Saved Policies S7, GEN2 and ENV2 of the adopted Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

20. **Surface Water Drainage (Comply)**

The development shall be carried out in accordance with the approved Flood Risk Assessment (Reference 3989-3 - 210618 – SS-REV-B, December 2021) including the following mitigation measures detailed within:

- Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 0.8l/s for surface water and 0.175 l/s for the Klargester / Limiting the discharge from the site to 0.975 l/s.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100-year storm event inclusive of climate change.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution to accord with Policy GEN3 of the adopted Uttlesford Local Plan and the National planning Policy Framework (2021).

21. Yearly Logs of Maintenance (Comply)

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk to accord with Policy GEN3 of the adopted Uttlesford Local Plan and the National planning Policy Framework (2021).

22. Biodiversity Mitigation and Enhancement (Comply)

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Tim Moya Associates, January 2020) and the Bat Survey Report (Tim Moya Associates, August 2020) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance Protected and Priority Species in accordance with Policy GEN7 of the adopted Uttlesford Local Plan (2005) and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

23. Gates (Comply)

Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety to accord with Policy GEN1 of the adopted Uttlesford Local Plan (2005) and the Essex County Council Highways Development Management Policies (February 2011) and the National Planning Policy Framework (2021).

24. No Unbound Material (comply)

No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety to accord with Policy GEN1 of the adopted Uttlesford Local Plan (2005) and the Essex County Council Highways Development Management Policies (February 2011) and the National Planning Policy Framework (2021).

25. Contaminated Land (Comply)

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 to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990, in accordance with Saved Policy ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework (2021).

26. Category 2 Accessible and Adaptable dwellings M4(2) (Comply)

The dwellings 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 a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

27. External Lighting Capped (Comply)

All external lighting must be capped at the horizontal level.

REASON: In the interest of aviation safety to accord with Policy GEN2 of the adopted Uttlesford Local Plan (2005).

28. **Remove Permitted Development (Classes A, B, C, D and E)**

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no development included within class(es) A, B, C, D and E of part 1 of Schedule 2 to that Order shall be carried out at the approved dwelling without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenity of future and neighbouring occupiers in accordance with policies GEN2 and GEN4 of the adopted Uttlesford Local Plan (2005).

2.0 DESCRIPTION OF THE SITE

2.1 The site (red line boundary) measures approximately 0.14 hectares (ha) and is located to the southern side of the unnamed road that serves as the main through road for Molehill Green. The site is roughly rectangular shaped and comprises three two-storey, terraced properties that front on to the aforementioned unnamed road. Two of the properties are in use as residential dwellings, the third, the north easternmost, was last in use as (in 2017) a Village Store with a flat let above. To the rear of the properties is a large garden, defined by boundary fencing and mature/established trees and vegetation particularly along the southern and eastern boundary.

2.2 The Site is located approximately 1km to the north east of Stansted Airport and 3.5km north of Takeley. The site is surrounded by residential properties and the Three Horseshoes Public House, a Grade II listed building is located to the north-west to the northern side of the unnamed road. Beyond the edges of Molehill Green, lies agricultural land.

3.0 THE PROPOSAL

3.1 The proposals are submitted in full for the '*Demolition of existing terrace houses, Village Stores, Meadow View and The Cottage, merging their plots to enable the erection of 6 no. Terrace houses with associated parking and landscaping including new access road.*'

3.3 The proposals are for the erection of six (6) two-storey, two-bedroom terraced dwellings (net increase of three dwellings). The proposed buildings have an overall footprint measuring approximately 312m². The proposed dwellings have the following Gross Internal Floor Areas (GIA): Plot 1 – 103.68m² and Plot 2 to 6 – 79.36m². The proposed dwellings comprise a

gabled 'M-shaped' roof design, with a maximum ridge height measuring approximately 7.8m and an eaves height measuring 5.45m (measured from side elevations). The proposed single storey projection to the side of plot 1 has a maximum ridge height measuring approximately 3.5m and an eaves height measuring 2.75m. Each property also has a gabled front porch with a maximum ridge height measuring 3.1m.

- 3.4 To the rear of each plot is private garden amenity space, including secure cycle storage within their respective rear gardens. A private parking area is provided to the rear serving the six dwellings, providing a total of 14 spaces. Refuse and recycling is proposed to the eastern side boundary.
- 3.5 As detailed on the submitted plans, the proposed dwellings are to be finished with red facing brickwork and artificial slate roof tiles and composite cladding (Plot 1 single storey side projection).
- 3.6 The existing buildings for demolition, comprise 'Village Stores', 'Meadow View' and 'The Cottage'. These are a mix of small one-bedroom and two-bedroom properties, respectively. The existing buildings for demolition have a footprint measuring approximately 175m², with the total floor area of the terraced houses including the closed-down village store being 222.87m². The existing terraced cottages have a gabled roof on a projection to the rear, with a maximum ridge height measuring approximately 6m and eaves height measuring approximately 4.3m. The existing cottages comprise an external chimney stack to the western end, and are finished with white painted and patterned render, tiled roof, and red facing brickwork (chimneys).

4.0 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.

5.0 APPLICANTS CASE

- 5.1 The application is accompanied by the following plans, reports, and documents (most recently revised version referred to):

- Application Form (dated 23.12.2019)
- Minor Development Biodiversity Validation Checklist (dated 21.01.2020)
- Cover Letter (BB Partnership Ltd, 29 January 2020)
- Proposed Site Plan (inc. Roof plan) & Location Plan (drg no. FXR - 105 - A – 01 Rev D)
- Proposed Ground Floor Layout (drg no. FXR - 105 - A – 11 Rev D)
- Proposed First Floor Layout & Roof Plan (drg no. FXR - 105 - A – 12 Rev C)
- Proposed Individual Layouts (drg no. FXR - 105 - A – 13 Rev A)

- Proposed Ground Floor Layout Showing New Access Road Dimensions, No Build Zone & Visibility Splays (drg no. FXR - 105 - A – 14 Rev A)
- Proposed Elevations (drg no. FXR - 105 - A -21 Rev C)
- Proposed Site Plan Showing Proposed Schemes Linked UTT/20/0223/FUL & UTT/20/0224/FUL (drg no. FXR – 105 – 00).
- Existing Elevations (drg no. L9378/2)
- Existing Topographic Survey (drg no. L 9378/1 sheet 1)
- Existing Topographic Survey (drg no. L 9378/1 sheet 2)
- Design and Access Statement (BB Partnership Ltd, December 2019).
- Planning Statement (Freeths, January 2020).
- Transport Statement (RGP, December 219).
- Flood Risk Assessment (Lustre Consulting, December 2021).
- Preliminary Ecological Appraisal (TMA, January 2020).
- Bat Survey (TMA, August 2020).
- Great Crested Newt eDNA Survey Report (June 2020).
- Arboricultural Impact Assessment Report (TMA, January 2020).
- Landscape and Visual Impact Assessment (Liz Lake Associates, January 2020).
- Façade Noise Exposure Assessment (HA Acoustics, January 2020).

5.2 The Cover Letter (BB Partnership Ltd, 29 January 2020) outlines that the planning application and documents submitted with this application are part of a revised and split version of a 9-unit scheme that was submitted on 18th December 2019, registered under UTT/19/3121/FUL (withdrawn as invalid 31.01.2020) , splitting that scheme to a 6-unit and 3-unit proposal, and re-submitting them under two new planning applications.

Officer Comments

5.3 This application is the ‘6-unit’ scheme referred to. The ‘3-unit’ scheme located immediately adjacent to the south-east of the application site was considered under application UTT/20/0224/FUL and Refused 18.12.2020.

5.4 This application for the 6-unit scheme is to be considered on its own merits. The submitted drawing ‘Proposed Site Plan Showing Proposed Schemes Linked UTT/20/0223/FUL & UTT/20/0224/FUL (drg no. FXR – 105 – 00)’ would not form an ‘approved plan’ with the ‘3-unit’ scheme outside the red line boundary and the plan submitted only for clarification of the two schemes in tandem.

6.0 RELEVANT SITE HISTORY

6.1 Recent relevant site-specific planning history comprises the following:

UTT/20/0224/FUL - Erection of 3 no. detached dwellings with associated parking and landscaping involving merging part of Village Stores and The

Brambles plots to enable a new access road. REFUSED 18.12.2020 for the following reasons:

- The proposal fails to establish the principle of development by reason of the introduction of significant built form that would result in significant harm to the character and appearance of the area and established pattern of development. The proposed development would urbanise the site and its setting, overdeveloping the site, appearing incongruous within the ribbon development and negatively impacting on the amenity of the neighbouring dwelling. As such the proposal is contrary to Policies S7, S8 and GEN2 of the adopted Uttlesford Local Plan and the provisions of the National Planning Policy Framework 2019
- The proposed development fails to provide sufficient ecological information to ensure that the natural environment would be protected, in conflict with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2019.
- The proposed development fails to provide sufficient parking spaces, to the detriment of highway safety, and in conflict with Policy GEN8 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2019.

6.2 The above application is relevant insofar as it utilised the same access. Further planning history for the site dates from the 1970s and 1980s pertaining to alterations and extensions to the dwellings and conversion to a shop with self-contained residential unit.

6.3 As detailed within the submitted Planning Statement (Freeths, January 2020), pre-application advice was sought for the site (reference UTT/18/3034/PA) and advice provided by the local Planning Authority on 4th June 2019. As this is set out within the Planning Statement (and now publicly available) for clarity the advice provided is set out below:

“The existing row of frontage buildings are of no architectural or historic merit and their replacement by a terrace of dwellings could I believe be supported in principle. However, the village stores, which I note has closed down, may be seen as a community asset of value by the Parish Council and you would need to be aware of this in your deliberations in case there is a community claim of “first refusal”. The frontage surface parking shown is regrettable, although this may be acceptable given the existing built form. Otherwise, you may consider showing say two pairs of semis in the alternative to provide spacing at the side of the dwellings for parking instead. Worth a planning application.

I consider that the “finger” of dwellings constituting backland development to the rear of the frontage dwellings to represent inappropriate development in the CPZ. Whilst I appreciate there is an existing smaller line of dwellings on the other side of the site frontage, these, I believe pre-date CPZ policy.

Additionally, the ridge heights of the majority of dwellings indicated at 2 storey height would be excessive for this location. In the circumstances, I would concentrate on the frontage redevelopment.”

6.4 The application has been submitted in response to the pre-application advice provided.

7.0 CONSULTATION RESPONSES

7.1 The following provides a summary of the Statutory Consultation responses received:

7.2 Takeley Parish Council (dated 25.02.202)

Takeley Parish Council object to this application for the following reasons:

1. This site is within the area identified in the Uttlesford Local Plan as outside established development limits and therefore considered to be within the countryside. The development is therefore contrary to Policy S8 – The Countryside protection Zone of the Uttlesford Local Plan (2005): ‘*The priority within this zone is to maintain a belt of countryside around the airport that will not be eroded by coalescing settlements.*’
2. The site is in close proximity to Stansted Airport therefore susceptible to noise disturbance. This is in contravention of Policy ENV10 of the Uttlesford Local Plan (2005): ‘Housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance.’

On the 20th June 2019 the Inspector dismissed an appeal at Marlensdale, Burton End, Stansted, (Ref: (APP/CI570/W/18/3219136), to remove existing agricultural buildings and erect 7 dwellings with a subdivision of an existing dwelling to form two units. The appeal was dismissed for the reasons shown below:

Paragraph 16 states: ‘Policy ENV 10 of the Local Plan seeks to restrict development where the effects of noise from aircraft would have an unacceptable effect on future occupants of the development. The external noise levels identified would exceed both the desirable level of 50dB LAAeq, T and the upper guidance value of 55dB LAeq,T for spaces such as gardens. Future occupiers of the properties would experience unacceptable noise and disturbance in their private outdoor amenity space. The noise would be particularly disturbing as it would take place at regular, frequent intervals during the hours of operation at the airport.’

Paragraph 19 states: ‘I conclude that the proposal would not provide acceptable living conditions for future occupants, with regard to noise and disturbance from aircraft, which would be contrary to Policy ENV10

of the Local Plan in that occupants would experience significant noise from aircraft. Paragraph 180 of the Framework largely replaces Paragraphs 123 of the 2012 Framework. I conclude that the proposal would be contrary to the provisions of Paragraph 123 in as much as it would give rise to significant adverse impacts on the quality of life for future occupants as referenced in the Noise policy statement for England (2010).'

The decision by the Planning Inspectorate is relevant in this context as aircraft will be landing and taking off close to this proposed development.

3. Contravention of Policy GEN 1 Access (Uttlesford Local Plan 2005): 'Access to the main road network must be capable of carrying the traffic generated by the development safely' 'The traffic generated by the development must be capable of being accommodated on the surrounding transport network' Access is via one very busy road on a bend. This road is used as a rat run to Stansted Airport and is heavily utilised by HGV vehicles. The local infrastructure is insufficient to support further development. Relevant facilities and shops are located some distance away and will necessitate the use of car journeys.
4. Molehill Green is currently bearing the brunt of a significant number of planning applications which in our view will have an adverse impact on the nature of this quiet settlement. Whilst acknowledging each planning application should be considered on its own merits, the Parish Council believes that consideration should be given to the cumulative impacts of these planning applications. There are currently 12 dwellings being erected along School Lane and any further builds will add to the adverse harm to the area.

Others are:

- UTT/16/0417/DFO This was given permission for the erection of a 1.5 storey dwelling at land adjacent to Sunny View, School Lane.
- UTT/17/3675/FUL Full permission for 4 dwellings at Croft End was given approval on the 21/09/18. This has yet to be built as it has been superseded by application (UTT/19/2036/FUL) for 9 dwellings and extends the original development. This application has yet to be determined.
- UTT/20/0259/FUL This is for the erection of 2 detached dwellings and is an amendment to UTT/19/1248/FUL which was allowed on appeal, (APP/C1570/w/19/3233553). The application has yet to be determined.

The negative effects of the current building programme are already being felt in the hamlet. There have been a number of issues with work vehicles being badly parked and the green verges being destroyed.

Conclusion

The recent appeal decision by the Planning Inspectorate approved the development on Parsonage Road for 119 dwellings and a 66-bed care home, (UTT/19/0393/OP) (APP/C1570/W/19/3234530) and (UTT/19/0394/OP) (APP/C1570/W/19/3234532) which is in the Countryside Protection Zone. Given this erosion of the CPZ means that we have to look in depth at any future applications that are within the CPZ to ensure all possible impacts are forensically examined.

Molehill Green is situated in an area which has a complex set of drainage ditches that feed the nearby River Roding. This poses a significant flood risk on land that is already saturated with water due to poor drainage. This is in contravention of Policy GEN 3 of the Uttlesford Local Plan (2005) – ‘Within the functional floodplain, buildings will not be permitted unless there is an exceptional need.’

Takeley Parish Council believes that the drainage system around Molehill Green should be reviewed as a whole through a comprehensive independent flood risk assessment before any further planning applications are considered.

In August 2019 Uttlesford District Council declared a climate emergency and committed to achieve net-zero carbon status by 2030. They also pledged to protect and enhance biodiversity through a raft of measures. The International Panel on Climate Change reported in 2018 that in order to keep the global rising temperatures below 1.5 degrees celsius this century, emissions of carbon dioxide would have to be cut by 45% by 2030. Whilst acknowledging the need to build more dwellings in Uttlesford Takeley Parish Council request Uttlesford District Council to seriously consider this information in the context of relevant planning applications for more homes within the Countryside Protection Zone.

In conclusion, Takeley Parish Council recommend this application is refused.

7.2 ECC Highways (dated 17.12.2020)

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to conditions.

7.3 ECC Local Lead Flood Authority (dated 10.01.2022)

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions.

7.4 ECC (Place Services) – Ecology (dated 28.08.2020)

No objection subject to securing ecological mitigation and enhancement measures.

7.5 MAG - London Stansted Airport (dated 17.02.2020 & 24.02.2020)

The application site lies within the current 57dB LAeq contour for day noise and 51dB LAeq contour for night noise from Stansted Airport. As such, noise should be taken into account as a material consideration in determining the application.

In respect of the NPSE, the second aim is relevant to this application as the site in question is above the LOAEL (51dB LAeq) for aircraft noise. Accordingly, the Local Planning Authority must 'mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development'.

It is Stansted Airport's opinion that the Local Authority should ensure that the relevant policies are complied with and that the internal and external living environment have been suitably considered against all planning policies and suitable mitigation is taken into account. Given the existing noise environment and the need for mitigation, if the application is approved, it should be noted that Stansted would consider that any dwelling developed at this site will be unlikely to be eligible for the current or a future Stansted Airport Sound Insulation Grant Scheme.

We have no aerodrome safeguarding objections to the proposals subject to conditions.

7.6 NATS Safeguarding (dated 10.02.202)

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.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of enroute air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

7.7 UK Power Networks (dated 03.02.2020)

Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact us to obtain a copy of the primary route drawings and associated cross sections.

7.8 Uttlesford District Council Environmental Health Officer (dated 31.01.2022)

Should you be minded approving this application I would recommend conditions/Informatives be attached.

7.9 Ward Councillors (dated 16.02.2020)

Reasons for calling in are as follows':

- 1 - Application location is in the CPZ.
- 2 - Over-development of the site.

7.10 No comments have been received from the following consultees:

- Landscape Officer
- ECC (Place Services) Built Heritage Officers
- Environment Agency
- Thames Water Utilities

8.0 REPRESENTATIONS

8.1 Representations have been received from a number of neighbouring residents, and the following observations have generally been made:

Objections

- Loss of light/sunlight to neighbouring property – kitchen/bedroom;
- Noise from construction and concerns in respect what the construction hours will be.
- Height of the structure [single storey western side projection] will be higher than existing garage – overbearing.
- Potential for damage to property. **[Not a material planning consideration]**
- The proposed new houses would be better built in a style that is in keeping with traditional houses in the area especially as they are on a main thoroughfare which is its self a national cycle route and a tourist route to Thaxted and other historical villages.

- The height of the new build is far higher than our property and the ones they are replacing.
- There seems to be a footway running through to the proposed rear car park along by our fence. Can this be confirmed either way as this will cause a noise nuisance and privacy issues. **[An access to the rear private amenity of plot 1 is provided, not to the car park for all residents].**
- Concerns about the safety/congestion issues this would cause on the main road. This new access point is in very close proximity to the blind bend
- The demolition of the village store will be a huge loss to the hamlet of Molehill Green. It is a "community asset" and one I feel that, once lost, will never be replaced. Until recently it has been an integral part of the community and a convenience to all residents, especially the elderly and those who are unable to drive.
- No evidence has been provided to demonstrate that the shop was unviable. This proposal, if successful, will ultimately result in the permanent loss of the facility, impacting detrimentally upon the community.
- Over development of the site.
- The village has problems with ground water and drainage and extra house building will only add to this.

Support

- The cottages and empty village store do require some level of refurbishment and renovating, and the plans proposed would help to improve the overall look of Molehill Green which has previously been neglected for a number of years. These cottages and empty village shop are visible from the main road and are some of the first houses you see as you drive into Molehill Green. An empty village store, which has been left to fall into a state of neglect, does not currently represent the village in the best light and that is something we would like to see changed.
- This part of molehill green definitely needs to be renewed / restored.
- The current parking situation directly outside of these cottages on the pavement is not ideal as it impacts on both pedestrians, wheelchair users and cars using the road who have to wait to give way to oncoming traffic. This also causes safety concerns for fast oncoming traffic coming from behind a blind bend who are then at times faced with a build-up of waiting cars at very short notice. It's clear to see that the parking proposed within these plans would eliminate this issue whilst providing more than sufficient parking spaces for the residents of these properties and their guests.

- Many of the new properties being built in Molehill Green are 3–4-bedroom homes so it is welcoming to see that these proposed plans are offering something smaller and more affordable, particularly for single people, first time buyers and retired people.

Neutral

- During the building phase it is essential that provision is made by the developer to keep all work vehicles involved in the construction off road so as to cause minimal disruption to neighbours and residents who use the main road.
- The pedestrian pavement directly outside of these properties is uneven and again could benefit from improvements being made to it.
- There is very little streetlighting along this stretch of road and where pedestrians walk so we would therefore welcome any additional low level lighting which will help visibility and residents to feel safer whilst walking through the village and to/from the pub.
- The old village store which forms part of these plans has sat empty for a number of years now. The residents of Molehill Green are unable to access any local amenities by foot and have to drive 5 minutes away to the local neighbouring villages of Elsenham and Takeley for the nearest shops. This is not ideal for our less able residents and those who don't drive. Molehill Green desperately needs a village store back open and serving our residents and we would therefore like to see this considered within these plans.
- We have near to no assets here other than our village pub. We need a village store, we need a safe play area for children, and we desperately need access to and use of our village hall (which is currently out of bounds to us all), or a new community hall to be built in the village.
- It is also worth noting that no councillors live in Molehill Green, and we therefore have no representation on our parish council. It is very important that the voices from our community are listened to as we are the people who live here.
- We feel that they [existing tenants] should be given the option to remain as rental tenants within the new properties at no extra cost to themselves and that this would be a fair outcome for them in this difficult situation. **[This is a private matter outside of the scope of the planning application].**

8.2

The material planning considerations of the comments received have been given all due consideration within the relevant sections of this report below and in the assessment and determination of the application.

9.0 POLICIES

9.1 National Policies and Guidance

National Planning Policy Framework (NPPF) Rev July 2021
National Planning Practice Guidance (PPG)
Technical Housing Standards – Nationally Described Space Standard (2015)

9.2 Uttlesford District Local Plan (2005) (ULP)

S8 – The Countryside Protection Zone

GEN1 - Access
GEN2 - Design
GEN3 – Flood Protection
GEN4 – Good Neighbourliness
GEN5 – Light Pollution
GEN6 - Infrastructure Provision to Support Development
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards

ENV2 - Development affecting Listed Buildings
ENV3 - Open Spaces and Trees
ENV7 - The Protection of the Natural Environment - Designated Sites
ENV8 - Other Landscape Elements of Importance for Nature Conservation
ENV10 - Noise Sensitive Development and Disturbance from Aircraft
ENV12 - Protection of Water Resources
ENV14 – Contaminated Land

H1 - Housing Development
H9 - Affordable Housing
H10 – Housing Mix

RS3 – Retention of Retail and other Services in Rural Areas

AIR7 - Public Safety Zones

9.3 Supplementary Planning Documents/Guidance

- Interim Climate Change Planning Policy (2021)
- The Essex Design Guide (2018)
- Uttlesford Local Residential Parking Standards (2013)
- Essex County Council Highways Development Management Policies (2011)
- Essex County Council Parking Standards (2009)
- Accessible Homes and Play Space (2005)

10.0 CONSIDERATION AND ASSESSMENT

10.1 The main issues (including the relevant saved policies of the ULP (2005)*) to consider in the determination of this application are:

- A. Whether the site is a suitable location for residential development, with particular regard to the design, layout, and effect of the development on the character and appearance of the area and the effect on the Grade II listed building (S8, GEN2, ENV2, H9, H10)**
- B. Highway Safety, Access, and Parking (GEN1 and GEN8)**
- C. The Effect on Amenity – Living Conditions (GEN2, GEN4,**
- D. Flood Risk and Surface Water Drainage (GEN3, ENV12)**
- E. Biodiversity, Protected Species and Habitat (GEN7, ENV7, ENV8)**
- F. Arboricultural Impacts (GEN2, ENV3)**
- G. Contaminated Land (ENV14)**
- H. Sustainability and Climate Change (GEN2)**
- I. Air Safety (GEN2)**

**The relevant supplementary planning guidance and paragraphs of the NPPF have also been referred to as part of the assessment.*

A. Whether the site is a suitable location for residential development, with particular regard to the effect of the development on the character and appearance of the area and the effect on the Grade II listed building.

Countryside Protection Zone (CPZ)

10.2 Policy S8 of the Uttlesford Local Plan (ULP) (2005) designates the area in which the site lies as a 'Countryside Protection Zone' (CPZ). The policy states that permission will only be granted for development that is 'required to be there' or is appropriate to a rural area. It goes on to state that there will be a strict control on new development and permission will not be granted if new buildings would promote coalescence between Stansted airport and existing development in the surrounding area or it would adversely affect the open characteristics of the CPZ.

10.3 Other than assisting in meeting general housing needs, there is no reason for the development of residential dwellings to be in a rural location. In this respect there is conflict with Policy S8.

10.4 The development comprises the replacement of the existing block of terraces, following the same linear pattern along the unnamed road through the hamlet of Molehill Green. In this respect the development would not lead to any further coalescence with Stansted Airport. The replacement of the existing dwellings would see a slight increase in the built form of the site in respect of the footprint, volume and scale of the proposed dwellings (higher

than existing) and further development eastwards and westwards along the road frontage. Further ancillary development also includes the car park and turning areas to the rear on currently undeveloped residential gardens. In this regard, it is considered that there would be an introduction of further built form into an area where none currently exists and by definition would adversely affect the open characteristics of the CPZ (albeit limited). This therefore also leads to conflict with Policy S8. Accordingly, development of the site would not be considered acceptable in principle under this policy.

Effect on Grade II Listed Building – Three Horseshoes

- 10.5 The Three Horseshoes is a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 states that special regard must be given to the desirability of preserving the setting of a listed building. This is largely reflected in paragraph 199 of the National Planning Policy Framework (the Framework) which states that great weight should be given to the conservation of designated heritage assets.
- 10.6 The ECC (Place Services) Built Heritage Officers have been consulted, however no comments have been received. Notwithstanding this, an Officer assessment can be made.
- 10.7 The listed pub is a timber framed building, with white rendered walls and a thatched roof. It sits back from the roadside, with parking to the front and side. There is a large open area to the rear of the building. The site forms part of another relatively large, grassed area to the side of the pub, which stretches to Hall Road. The significance of the pub appears to lie primarily in its age, architectural quality, including the retention of traditional features such as the thatched roof, and the important role it is likely to have played in the local community over an extended period.
- 10.8 The site lies to the south-east of the pub's southern, front boundary with the unnamed road through the hamlet. The boundary is well defined by established trees and vegetation, which obscure views through to the pub. There is some intervisibility between the site and pub, particularly in autumn and winter months, however these are heavily filtered. The site is considered to be clearly separate from the pub, separated by the road. The site forms part of the setting of Molehill Green and is viewed in tangent with the pub as one passes by. The site comprises existing housing and the replacement with modern housing although altering the appearance, would not alter the overall relationship between them.
- 10.9 The architectural and historical merit of the pub would remain unaltered, and the most important views of the building would not be affected. The proposed housing would also not alter the role and function of the pub within the settlement. The proposed development is not considered to result in any harm to the setting of the pub and would not result in any harm to the factors

that contribute to its significance. In coming to this conclusion, great weight has been given to the conservation of the asset. Nevertheless, it is considered that the impact on the setting and significance of the pub would be neutral.

Access to Services and Facilities

10.10 Mole Hill Green as a hamlet itself has a very restricted range of local services apart from the public house. The local post office/stores have closed down and would be replaced by this proposal (addressed below). Immediately located to the site frontage is a bus stop (informal). Further bus stops are located within walking distance to the east and west in particular at the junction of Hall Road. These bus stops are served by both the No.6 hourly bus service which runs Mondays to Saturdays between Stansted Airport and Saffron Walden and also the No.7/7a hourly bus service which runs Mondays to Saturdays between Stansted Airport and Bishops Stortford. ECC Highways have requested a condition securing that the bus stop and footpath to the site frontage be improved as part of the works.

10.11 It is that the site is located within a relatively sustainable location where local services and also local schools can be accessed by public transport from the site and where previous Council decisions for housing development within the localised area have reflected this degree of accessibility, including at School Lane, Mole Hill Green and adjacent to the Pub.

Loss of the Village Store

10.12 Saved Policy RS3 (Retention of Retail and other Services in Rural Areas) states that:

“Change of use of community facilities such as shop, post office, public house, garage, doctors/dentist surgeries and village halls will only be permitted where it can be demonstrated that:

- a) The facility is no longer financially viable*
- b) There is no significant demand for the facility within that locality or;*
- c) Equivalent facilities in terms of their nature and accessibility are available or would be made available nearby”*

10.13 The submitted Planning Statement outlines that: *“It is noted that the Village Stores was on the Asset of Community Value (“ACV”) register and was first listed on the register in March 2013. This was then put up for sale with no member of the public or a community group purchasing the store (October 2017). Following no buyer from the public purchasing the Site, the Village Stores were taken off the ACV register in April 2019.”*

- 10.14 The LPA ACV list has been checked and the 'Village Stores' is not listed. As detailed within the public objections, detailed information (in respect of marketing has not been provided). However, based on the submitted information, the store ceased trading in February 2017. In this respect it has been five years since the store was last in use and in this regard, it would not appear to be viable. Notwithstanding, it is considered that there is some conflict with saved Policy RS3 (this is addressed as part of the Planning Balance).

Design, layout, and the Effect on the Character and Appearance of the Area

- 10.15 Molehill Green has a verdant character, which the site contributes by virtue of the visibility of mature trees and planting through the open western and eastern edges as viewed from the roadside. The existing site has a density measuring 21 dwellings per hectare (dph). The proposals will increase this to 42 dph.

- 10.16 The proposed dwellings take design cues from the surrounding properties, comprising gable roof forms, and are similar in design to the dwellings approved (UTT/19/1583/FUL) along School Lane to the east, which can be viewed in the same context as one travels along the road from east to west (at the bend in the road). The proposed linear layout with terraced form is in keeping with the existing pattern of development to be replaced. Although the scale of the proposed dwellings increases the height by approximately 1.8m, the proposed frontage retains a cottage style appearance with eaves dormers to four of the dwellings. Gable roofed porches to the frontage also provide interest and pattern to the appearance of the fronts of the houses. The proposed materials are in keeping with the surrounding properties.

- 10.17 The proposed parking court to the rear and increase in density will serve to have a more urbanising character on the site. However, the parking will be screened from the public domain along the roadside. Additional planting to replace a number of trees/hedgerows (addressed in relevant section below) will serve to soften the views from the roads side down the sides of the dwellings.

- 10.18 Overall, it is considered that subject to conditions securing landscaping and materials (which are secured by the approved plans condition) that the proposals will not result in unacceptable harm to the broad character or appearance of the area. The proposals are considered to accord with saved Policies GEN2 and GEN8 of the ULP, and Section 12 of the Framework.

Housing Mix

- 10.19 The proposals will provide six (three net) new two-bedroom market dwellings. This is considered to accord with saved Policy H10 and the latest

information within the SHMA in providing smaller properties. Given the scale of development, there is no requirement for affordable housing provision.

B. Highway Safety, Access, and Parking (GEN1 and GEN8)

- 10.20 Access to the site is proposed to the eastern side, creating a private driveway access with a maximum width measuring 5.5m, narrowing to 4m after 6m from the carriageway edge. Once within the parking court to the rear a passing place is provided on the eastern side at the entrance/egress. Visibility splays measuring 2.4m by 43m are provided onto the unnamed main road through Molehill Green. Each property has private parking to the rear for two vehicles (in accordance with the standards), with an additional two visitor spaces provided to serve the six properties. This accords with the Uttlesford Local Residential Parking Standards (2013).
- 10.21 The application is accompanied by a Transport Statement. As part of the application, ECC Highways have been consulted (as the Highways Authority) and have raised no objections to the proposals, subject to conditions.
- 10.22 ECC Highways have recommended a condition pertaining to the provision of a Residential Travel Information Pack. However, as was the position taken within Appeal Decision 3266785 (land adjacent to the Three Horseshoes PH – erection of 4 dwellings) this was not considered reasonable or necessary, and amounted to a financial contribution. The proposals would result in a net increase of three dwellings and as such would not warrant a financial contribution. This condition is not considered to pass the relevant tests.
- 10.23 Overall, taking into consideration the submitted plans, ECC Highway comments and public comments, subject to the recommended conditions, the proposals are considered to accord with Saved Policies GEN1 and GEN8 of the ULP and Section 9 ('Promoting sustainable transport') of the Framework, in particular paragraph 111 which states that: "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"

C. The Effect on Amenity – Living Conditions

Future Occupiers

- 10.24 The Technical Housing Standards – Nationally Described Space Standard (2015) recommends that a two-bedroom, two-storey dwelling has a minimum GIA measuring either 70m² or 79m² for a three-person and four-person dwelling, respectively. The proposed dwellings accord with these standards providing a good standard of amenity in respect of space. In

accordance with the EDG (2018) the proposed dwellings comprise amenity space in excess of 50m² (the minimum recommended requirement for a two-bedroom dwelling). Notwithstanding, in the interest of the amenity of future and neighbouring occupiers it is recommended that permitted development rights for extensions and outbuildings be removed.

10.25 It is noted that there is the potential for some overlooking of the rear amenity spaces from the rear first floors of existing dwellings to the west. However, it is a material consideration that this is an existing relationship with the cottages currently present on site and their respective rear garden(s). Future occupiers would be aware of the relationship between the rear gardens and the properties. On balance, the effects from overlooking are not therefore considered to be significant.

10.26 The proposed dwellings are internally arranged with windows to their front and rear elevations to allow for a good standard of outlook and light. The arrangement in a linear form along the road is akin to the existing properties and future occupiers would be subject to good standard of privacy, and no overshadowing or overbearing effects.

10.27 The site lies within proximity of Stansted Airport and as raised by MAG - London Stansted Airport the site is considered to lie within the current 57dB LAeq contour for day noise and 51dB LAeq contour for night noise from Stansted Airport. The application is supported by a Façade Noise Exposure Assessment (HA Acoustics, January 2020).

10.28 The Councils Environmental Health Officer has been consulted and has commented that:

“The proposal site is located in an area which will be subject to noticeable aircraft noise. The most recent noise exposure contours published by CAA indicate the site lies within the 54-57 dB LAeq contour for day noise and the 48-51 dB LAeq contour for night noise. The development therefore has the potential to be adversely affected by unacceptable levels of noise pollution. It may be possible through design and construction measures to provide an acceptable environment which meets the reasonable needs of future occupiers by meeting the internal noise levels set out in available guidance. BS8233:2014 – Guidance on Sound Insulation and Noise Reduction for Buildings suggests that an appropriate indoor ambient noise level for dwellings would be 35dB LA eq 16 hr in living rooms during the daytime (0700hrs to 2300hrs) and 30dB LAeq 8hr in bedrooms during the night (2300hrs to 0700hrs).

The application has been supported by a Noise Exposure Assessment undertaken by HA Acoustics ref HA/AB405-1/V2. I agree with the overall assessment which has indicated that internal noise levels within the proposed development are predicted to meet the guideline noise criteria

contained in BS 8233:2014 provided appropriate glazing, ventilation and façade materials are installed to a good manner of workmanship. However exact specifications of the construction/build of the proposal have not been submitted.

The report indicates that the ventilation could be met with trickle ventilation. Further detailed calculations may show the internal noise limits can only be achieved with closed windows. If this is the case enhanced ventilation should be provided to allow residents to occupy the properties at all times with windows closed, as required to maintain thermal comfort.”

10.29 A condition securing that no development shall commence until a fully detailed scheme of noise mitigation has been submitted and approved in writing by the local planning authority is recommended. It is noted that this approach was taken for the schemes to the west adjacent to the PH and to the east along School Lane.

10.30 Overall, insofar as it relates to the amenity of future occupiers, it is considered that the proposed development would accord with saved Policy GEN2 of the ULP, and paragraphs 130 and 185 of the Framework.

Neighbouring Occupiers

10.31 The nearest neighbouring property subject to potential effects is the ‘old Forge’ immediately to the west. The proposed single storey projection to the western side of plot 1 would be positioned approximately 1.3m from the western boundary with ‘Old Forge’ at the north-western corner and 0.6m at its south-western corner. The proposed two-storey end gable is positioned approximately 4.4m at the nearest point. The proposed single storey projection at 3.5m maximum height (and eaves at 2.75m) is not considered to result in significant overshadowing or overbearing effects to the neighbouring dwelling. The proposed two-storey main gable would not intersect a 45-degree line from the habitable windows of the ‘Old Forge’ and as such would not result in significant effects by virtue of overshadowing.

10.32 With respect to the potential noise and disturbance, the Environmental Health Officer has commented that: *“In view of the size and nature of the proposed development and its proximity to existing residential dwellings a construction method statement is required to ensure compliance with the Uttlesford Code of Development Practice to minimise loss of amenity to neighbours during construction the following condition is therefore recommended.”* In addition, subject to boundary treatments to the rear, it is not considered that there would be any significant disturbance from the proposed parking arrangement.

10.33 Overall, insofar as it relates to the amenity of neighbouring properties, it is considered that the proposed development would not result in significant

harm and would therefore accord with Saved Policies GEN2 and GEN4 of the ULP, and paragraph 130 of the NPPF.

D. Flood Risk and Surface Water Drainage

- 10.34 The Environment Agency flood risk mapping for planning, shows the site to be situated within Flood Zone 1. Flood Zone 1 comprises land assessed as having less than a 0.1% Annual Exceedance Probability (AEP), the probability of flood occurring in any given year, when ignoring the presence of defences from fluvial or tidal sources. The site is also shown to be at 'very low' risk from surface water flooding. An area of 'low' risk is shown along the site's eastern boundary, with medium and high risk shown along the same boundary feature from the south east corner of the site.
- 10.35 The proposed development is deemed to have a Flood Risk Vulnerability Classification of 'More Vulnerable' and therefore the proposed development is deemed to be appropriate within Flood Zone 1. As the proposal would increase impermeable surfacing overall, without mitigation the development risks increasing flood risk overall. In total there would be an increase impermeable area of approximately 645 m².
- 10.36 As detailed above, the application is accompanied by a Flood Risk Assessment (FRA). The FRA provides a number of recommendations including:
- External ground levels and onsite drainage is designed to direct surface water away from the proposed properties.
 - The drainage strategy has been designed not only to mitigate any increase, but to provide betterment by reducing peak flow rates to as near greenfield rates as possible.
 - Any infiltration potential of the ground will reduce the volume required for attenuation, therefore the scheme as presented provides the worst-case scenario.
 - It is recommended that pervious paving is provided for all new hardstanding areas throughout the site. To the side and rear of the properties, there shall be a Permavoid shallow cellular system. This provides the benefit of keeping the surface water drainage at high level to allow for a new connection to the existing ditch, subject to relevant land drainage consents.
 - To limit the surface water runoff from the site to 0.8 l/s approximately 74 m³ of attenuation is required for the design storm event. This assumes 100% runoff from impermeable areas with an increase of 10% in contributing area.
 - The drainage scheme will require regular maintenance to ensure the efficiency of the system. A maintenance company will be responsible

for the upkeep of all the SUDS elements on the site in accordance with their specific requirements.

- A foul drainage scheme is proposed to connect to a shared package treatment plant, with the cleaned effluent being discharged to the existing ditch via a 10m (minimum) perforated pipe at a peak discharge rate of 0.175 l/s.

10.37 Essex County Council, as the Lead Local Flood Authority (LLFA) have reviewed the submitted scheme/report (as revised) and confirmed that there are no objections subject to conditions securing that any permission is carried out in accordance with the FRA and that maintenance arrangements of the surface water drainage system are put in place prior to occupation.

10.38 Taking the above into consideration, the proposed scheme is considered to accord with saved Policies GEN2 and GEN3 of the ULP and Section 14 (Meeting the challenge of climate change, flooding, and coastal change) of the Framework.

E. Biodiversity, Protected Species and Habitat

10.39 The site is not covered by any statutory or non-statutory nature conservation designations. The site is situated within the Impact Risk Zone for Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR). There are six statutory designations (which included five sites) within 7 km of the proposed development and six non-statutory designated sites within 2 km of the site. The closest statutory site is Elsenham Woods (SSSI) located approximately 0.3km to the north. The closest non-statutory site is Molehill Green Local Wildlife Site (LWS), which comprises unimproved damp grassland which supports a number of species and is located approximately 30 metres to the west. The site comprises existing buildings, trees, hedgerows, vegetation and is laid to lawn. Twelve ponds are also identified within 500 m of the proposed development.

10.40 The application is supported by a Preliminary Ecological Appraisal (PEA) (TMA, January 2020) (as revised following comments from ECC Ecology). To provide information to support the ecological assessment, a Bat Survey (TMA, August 2020) and Great Crested Newt eDNA Survey Report (June, 2020) have also been undertaken and submitted with the application.

10.41 It is clear that the proposals will require the removal of some of the existing habitat, in particular including at the corner of the access route and parking spaces which will extend into the hedgerow on the eastern boundary. A number of trees are also subject for removal (trees addressed separately in the following section). Section 8 of the PEA provides a number of recommendations, including replacement planting to offset any loss.

10.42 ECC (Place Services) Ecology have been re-consulted on the revised PEA and reports submitted and have commented that there are no objections to the proposals subject to securing ecological mitigation and enhancement measures, including conditions pertaining to the submission of a wildlife sensitive design scheme and a method statement for bat mitigation.

10.43 Taking into consideration the comments from ECC Ecology, it is considered that subject to the recommended conditions, the proposals will accord with saved Policies GEN2, GEN7, ENV7 and ENV8 of the ULP, Section 15 (Conserving and enhancing the natural environment) of the Framework, and the relevant legislation in respect of protected and priority species and habitats (including hedgerows).

F. Arboricultural Impacts

10.44 The site is not covered by any Tree Preservation Orders (TPOs), however there are a number of mature trees within and adjacent/along the site's boundaries. The application is accompanied by an Arboricultural Impact Assessment Report (TMA, January 2020) (AIA). The AIA outlines that in order to facilitate the proposed development, it will be necessary to remove a total of eight trees, one shrub and part of a single tree group (see 190625-P-11 at Appendix A to the AIA). No A (high quality) or B (moderate quality) category trees are proposed for removal.

10.45 The AIA recommends additional tree planting, pruning, and tree protection measures. The AIA does state that further details relating to the methods of work are to be determined and therefore it will be necessary for an Arboricultural Method Statement (AMS) to be provided that refines the means of tree protection as plans develop further.

10.46 The AIA concludes that there is capacity to mitigate the adverse impact arising from the removal of the trees, shrub, and area of hedgerow, through appropriate new greening measures including opportunities for new tree planting include at the south-west corner of the Application Site and within rear gardens of the proposed dwellinghouses.

10.47 The Council's Landscape Officer has been consulted on the proposals; however, no comments have been received. Notwithstanding, none of the trees proposed to be removed are considered to be of merit (Class C and U). Subject to conditions pertaining to tree protective fencing, submission of an AMS, and securing soft landscaping and planting, the proposals are therefore considered to accord with saved Policies GEN2 and ENV3 of the ULP and Paragraph 131 and Section 15 (Conserving and enhancing the natural environment) of the Framework.

G. Contaminated Land

- 10.48 No details in respect of contaminated land have been submitted as part of the application. Notwithstanding, the Council's Environmental Health Officer has been consulted on the application and has commented that: "*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...*" A condition in respect of unexpected land contamination is therefore recommended to protect human health and the environment.
- 10.49 Subject to the recommended condition, the proposals are considered to accord with Saved Policy ENV14 and paragraph 183 of the Framework.

H. Sustainability and Climate Change

- 10.50 The Interim Climate Change Planning Policy (2021) should be referred to as part of any reserved matters submission. A condition in respect of the provision of vehicle electric charging points in line with national and local policy designed to encourage more sustainable modes of travel is recommended. In addition, the 'Lifetime Homes' standards which were developed by the Joseph Rowntree Foundation and Habinteg Housing Association and satisfy the criteria stipulated in the SPD entitled 'Accessible Homes and Playspace', have effectively been superseded by Part M of the Building Regulations for less able occupiers. These requirements should be secured via condition.

I. Air Safety

- 10.51 The National Air Traffic Services have been consulted on the proposals commenting that: "*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.*"
- 10.52 MAG London Stansted Airport have raised no aerodrome safeguarding objections subject to conditions controlling smoke and dust from the demolition and construction and external lighting (capped at horizontal level). These conditions are recommended in the interest of flight safety, to prevent ocular hazard and distraction to pilots using Stansted Airport.
- 10.53 Subject to the recommended conditions, the proposals are not considered to result in any significant air safety concerns and accord with saved Policy GEN2 of the ULP.

11.0 PLANNING BALANCE

- 11.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise
- 11.2 The LPA cannot demonstrate a five-year supply of deliverable housing land (latest figure of 3.52-year supply). In this context, paragraph 11(d) of the Framework states that planning permission should be granted unless either the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 11.3 The proposals are not considered to result in any unacceptable harm in relation to heritage assets. As such, there are no policies in the Framework which provide a clear reason for refusing the development. Therefore, the proposals must be considered in the context of paragraph 11(d) of the Framework, the 'tilted balance'.
- 11.4 The proposed development would conflict with saved policy S8 of the ULP. However, the overall impact/harm on the openness of the CPZ is limited in scale and any visual impacts resulting from this would be localised. Policy S8 establishes a more restrictive approach to development in the CPZ than the Framework would now advocate (as stated within recent appeals). Only limited weight is therefore afforded to the conflict with Policy S8.
- 11.5 The loss of the 'Village Stores' would conflict to some extent with Policy RS3. However, it is clear that the Village Stores have not been in use since 2017. As such only limited harm is afforded to this conflict.
- 11.6 The proposals would provide 6 new market dwellings (net increase of three) and although this would have little impact on the overall housing deficit, it would make a tangible positive contribution to the housing land supply. It would also make more efficient use of the land than at present (in accordance with the Framework). As such, this carries substantial weight in favour of the development.
- 11.7 The proposal would result in moderate benefits in terms of additional support for local services and nearby settlements and through temporary job creation through construction. Any improvements provided via the bus top, footpath, biodiversity, landscaping, and sustainability measures are largely required by local or national policy or necessary to mitigate the impacts of development. On that basis, these are afforded limited weight in favour of the proposal.
- 11.8 The site is considered to have access to sustainable modes of transport for access to services and would support facilities in nearby settlements and

villages. In the overall balance, the access to services, facilities and alternative modes of travel to the car to be a neutral factor.

- 11.9 Subject to conditions, the proposals are not considered to result in significant harm to neighbouring amenity, or future occupiers (by virtue of noise in particular). Furthermore, ECC Highways have raised no objections.
- 11.10 The proposals would alter the character and appearance of the site, having a slightly more urbanising effect. However, overall, the loss of the existing buildings and their replacement is not considered to be harmful to the overall character and appearance of the area/hamlet. This is afforded neutral weight in the planning balance.
- 11.11 Overall, it is concluded that the adverse impacts of the development would not significantly or demonstrably outweigh the benefits when considered against the policies of the Framework as a whole. The development would benefit from the 'tilted balance' set out in paragraph 11d. This is a significant material consideration in favour of the development which is sufficient to outweigh the limited conflict with the ULP. On this basis, subject to conditions, it is recommended that the application be approved.

12.0 EQUALITIES

Equality Act 2010

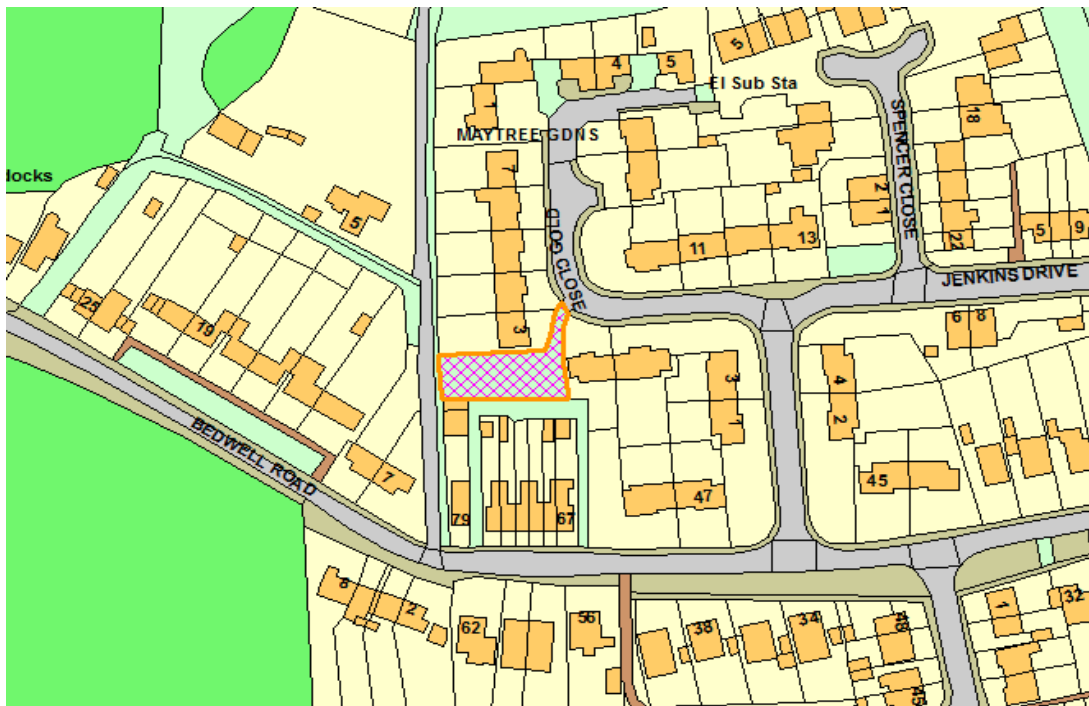
- 12.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. 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.

13.0 CONCLUSION & RECOMMENDATION

- 13.1 For the reasons outlined above, the adverse effects of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole.

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: 20th 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

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 460m² 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.

REFERENCE NUMBER: UTT/22/0034/NMA

**LOCATION: LAND AT THAXTED ROAD,
SAFFRON WALDEN ESEX**



SITE LOCATION PLAN:

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Organisation: Uttlesford District Council Date: 25.1.22

PROPOSAL:	Non Material amendment to UTT/18/2820/FUL (previously amended under UTT/20/1081/NMA) – addition of air source heat pumps
APPLICANT:	Uttlesford District Council
AGENT:	The Design Partnership
EXPIRY DATE:	3 February 2022
CASE OFFICER:	Rosemary Clark
NOTATION:	Outside Development limits, within Development Limits (Southgates), Contaminated Land Historical land Use Area
REASON AT COMMITTEE:	UDC Housing application

1. RECOMMENDATION: APPROVE

2. DESCRIPTION OF THE SITE :

The site relates to land approximately 1.5m south east of the town centre of Saffron Walden on the north-eastern side of the B184 Thaxted Road, between a recent residential development of 10 dwellings located on Tiptoft Lane and an Aldi Supermarket Store and other commercial/retail buildings on Knights Park.

PROPOSAL

2.1 This application relates to the proposed installation of Air Source Heat Pumps to the new dwellings, including the first and second floor flats.

2.2 The application applied for is a Non-Material Amendment under Section 96A of the Town and Country Planning Act 1990 (as amended) which states;

“96A Power to make non-material changes to planning permission
(1) A local planning authority in England may make a change to any planning permission relating to land in their area **if they are satisfied that the change is not material.**
(2) In deciding whether a change is material, a local planning authority must have **regard to the effect of the change**, together with any previous changes made under this section, on the planning permission as originally granted.
(3) The power conferred by subsection (1) includes power—
(a) to impose new conditions;
(b) to remove or alter existing conditions.
(4) The power conferred by subsection (1) may be exercised only on an application made by or on behalf of a person with an interest in the land to which the planning permission relates.

(5)An application under subsection (4) must be made in the form and manner prescribed by development order.

(6)Subsection (7) applies in relation to an application under subsection (4) made by or on behalf of a person with an interest in some, but not all, of the land to which the planning permission relates.

(7)The application may be made only in respect of so much of the planning permission as affects the land in which the person has an interest.

(8)A local planning authority must comply with such requirements as may be prescribed by development order as to consultation and publicity in relation to the exercise of the power conferred by subsection.(1)”

- 2.3** Guidance states “There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990. (Paragraph: 002 Reference ID: 17a-002-20140306 Revision date: 06 03 2014)”

3. ENVIRONMENTAL IMPACT ASSESSMENT

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

4. APPLICANTS CASE

- 4.1** None

5. RELEVANT SITE HISTORY

- 5.1** UTT/18/2820/FUL – Proposed erection of 14 dwellings comprising of 7 no. one bed flats, 3 no.2 bed flats, 2 no. 3 bed houses and 2 no. 4 bed houses including associated external works with all dwellings provided as affordable housing

- 5.2** UTT/20/1081/NMA – All internal layouts updated to suit A.D. Part M4(2) and minor changes to windows and doors.

6. CONSULTATION RESPONSES:

Saffron Walden Town Council

- 6.1** No Objections

6.2 Environmental Health

The amendment to this application is to provide details air source heat pumps further to the details approved under UTT/18/2820/FUL.

Whilst the use of Energy saving, and renewable technologies is supported to promote carbon saving and energy efficiency there are associated condensing units with the air source heat pumps which have the potential to cause noise nuisance.

In making this response I have referred to both the conditions imposed by the previous application and the report undertaken by Acoustic associates (Peterborough) dated July 2019 ref. SEM/J3414/17266 supplied in support of the application.

Condition 21 states “the windows and external doors to dwellings shall be provided with double glazing and tickly ventilation to achieve the ambient noise levels in British Standard 8233:2014.

The Acoustic report details recommendations of how the required noise levels can be achieved, however this was undertaken prior to the heat pump detail. Therefore, their locations and noise levels should be taken into consideration in determining the specification and acoustic performance of the glazing and ventilation in order to demonstrate compliance with condition 21.

7. REPRESENTATIONS

N/a

8. POLICIES

8.1 National Policies

National Planning Policy Framework (2021)

8.2 Uttlesford District Local Plan 2005

S7 – Development within countryside

S1 – Within Development limits (Southgates)

Section 96A of the Town and Country Planning Act 1990 as amended

9 CONSIDERATION AND ASSESSMENT:

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

i) Whether the proposed amendments result in any material difference to the character and appearance of the scheme as a whole (ULP Policy S7, S1,)

This application is for a non-material amendment to the previously approved scheme under reference UTT/18/1820/FUL.

9.2 The changes relate to the addition of Air Source Heat Pumps to be added to plots as set out in drawing UDC.730.PO2.F. These minor alterations would not materially change the overall character and appearance of the development to necessitate the submission of a revised application.

9.3 The minor changes to the proposals would not result in any adverse harm to the residential amenity of the neighbour properties.

9.4 The Council's Environment Health Team have been consulted regarding potential noise issues from the installation of the Air Source Heat Pumps.

9.5 Whilst it is acknowledged that there would be some increase to noise levels with the installation of the air source heat pumps, with the required glazing and ventilation as stated in condition 21 of UTT/18/2820/FUL, it is not considered that any additional noise or disturbance would be unacceptable and result in harm to the reasonable enjoyment of the properties. Given the location of the properties adjacent to the Thaxted Road any additional noise would be nominal. It is therefore considered that the proposed amendments are acceptable and meet the criteria of Section 96a of the Town and Country Planning Act 1990.

9.6 Other matters

The inclusion of air source heat pumps and is a positive amendment that will improve the renewable energy provision within the development. This complies with UDC Climate Change Strategy 2021-30 which aims to achieve net-zero carbon status for Uttlesford by 2030.

10. EQUALITIES

10.1 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. 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. CONCLUSION

11.1 The submitted amendment would result in no material change to the overall character and appearance of the development or harm to residential amenity. The proposal therefore complies with Section 96A of the Town and Country Planning Act 1990.

11.2 It is therefore recommended that the application be approved.