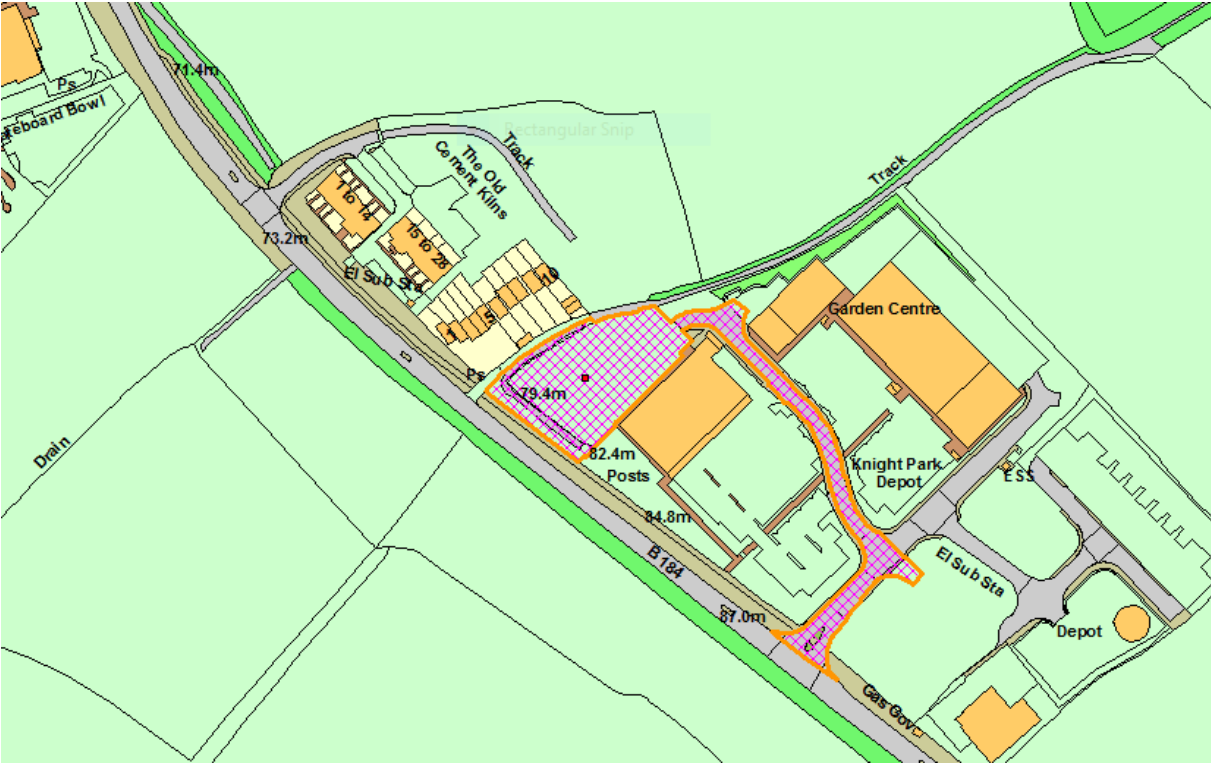


REFERENCE NUMBER: UTT/22/0034/NMA

**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.