

UTT/18/3278/FUL (Saffron Walden)  
**(Applicant related to Cllr Gerrard)**

(Deferred for site visit)

**PROPOSAL:** Retrospective planning permission for the removal of timber shed and the proposed erection of 1 no. dwelling

**LOCATION:** Rear Of 22 Thaxted Road, Saffron Walden

**APPLICANT:** Mrs S Perry

**AGENT:** Mr Jeremy Denn

**EXPIRY DATE:** 22<sup>nd</sup> January 2019

**CASE OFFICER:** Chris Tyler

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**1. NOTATION**

1.1 Within Development Limits,

**2. DESCRIPTION OF SITE**

2.1 The site relates to a large timber shed located between the 22 and 26 Thaxted Road in the town of Saffron Walden. Access to the site is provided by private driveway next to 16 Thaxted Road. To the rear of the site is a large open amenity area mainly bound by hedgerow and trees.

**3. PROPOSAL**

3.1 This planning application is for the retrospective removal of the existing timber shed building and the proposed erection of a single dwelling. The dwelling will be a terrace dwelling two storey to the front of the site and three storeys to the rear. The application revised the previously refused planning application (UTT/18/1824/FUL).

**4. ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Town and Country Planning (Environmental Assessment):  
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

**5. APPLICANT'S CASE**

5.1 The applicant has provided a design and access statement in support of the planning application to illustrate the process that has led to the development

proposal and to explain and justify the proposal in a structured way.

Also submitted is a completed biodiversity checklist

## **6. RELEVANT SITE HISTORY**

- 6.1 UTT/18/1824/FUL- Removal of timber shed and erection of 1 no. dwelling (Refused 1/11/2018)  
Refused due to the restrictive size of the garden area.

## **7. POLICIES**

- 7.1 National Policies

- 7.2 National Planning Policy Framework (2018)

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

Policy S1 – Development limits for Main Urban Areas

Policy GEN2 – Design

Policy GEN4- Good Neighbourliness

Policy GEN7 - Nature Conservation

Policy GEN1- Access

Policy GEN8 - Vehicle Parking Standards

### **7.4 Supplementary Planning Documents/Guidance**

Uttlesford Local Residential Parking Standards (2013)

Supplementary Planning Document- Accessible homes and play space homes  
Essex Design Guide

## **8. PARISH COUNCIL COMMENTS**

- 8.1 No objection, subject to UDC approval of parking and access arrangements.

## **9.0 CONSULTATIONS**

The Highways Authority

- 9.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:

1. The proposed development shall not be occupied until such time as the vehicle parking area indicated on DWG no. PE 0518.01 C has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times.

REASONS To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided. The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council

Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

## **Environmental Health**

## 9.2 Recommendation

No objection to the application as submitted subject to the conditions recommended below to address noise, air quality and contaminated land matters.

I note that this is a resubmission of a previously submitted application for a similar scheme that was refused under UTT/18/1824/FUL. This is a full application that seeks the erection of a 3 storey, 4 bedroomed terraced dwelling between two existing dwellings. The site is situated within the Saffron Walden Air Quality Management Area (AQMA).

### Noise:

Access to the site is proposed via the frontage of a neighbouring property (no.16) and will involve access across the rear of nos. 18-22 Thaxted Road. Although the proposed development is only likely to generate a limited number of vehicle movements, the proximity of the access drive to the living accommodation of the neighbouring dwellings may give rise to noise impacts if no mitigation is put in place. I would therefore recommend that the following condition is included with any consent granted for development of the site as proposed:

### Noise Attenuation

No occupation of the dwelling hereby permitted shall commence until details of a noise barrier or other suitable scheme for protecting the neighbouring dwellings from noise arising from vehicles using the proposed access drive has been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: To ensure that the amenity of existing neighbouring occupiers is not adversely affected by noise from the use of the proposed access driveway.

### Land Contamination

The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites - Code of Practice.
2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.

### Air Quality:

The site is within Saffron Walden Air Quality Management Area and additional vehicles entering the town centre as a result of the development will impact on the level of emissions with the AQMA. The impact on the AQMA is likely to be small in

the context of this particular application, but taking account of cumulative impacts it must be minimised as far as practicable by encouraging access other than by motor vehicle, for example by provision of Secure, covered cycle storage and other measures that promote use of more sustainable modes of transport. In view of the scale of proposed development, I do not think this warrants a specific air quality condition for this particular application.

## **Ecology**

### 9.3 No objection

The proposals are limited in scale/scope and are unlikely to impact designated sites, protected/priority species or priority habitats. It is noted that the weather boarded shed is approximately 208m from water and is covered in ivy therefore I recommend informatives regarding bats and breeding birds.

The OPDM Circular 06/05 is clear that further surveys are only required if there is a reasonable likelihood of biodiversity being impacted. Given the low ecological value of the site, further surveys are not required.

## **10 REPRESENTATIONS**

10.1 Neighbouring properties consultation- expiry 31/12/2018  
1 Objection received in regards to the provision of parking

10.2 Re-consultation 27/2/2019 due to the change of description of the development and increasing the garden size.

Any comments received will be presented to the planning committee.

10.3 All material planning merits will be considered in the following report.

## **11 APPRAISAL**

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

- A The principle of development of the site (NPPF, ULP Policies S1, GEN2, ENV14 , ENV13 and the NPPF)
- B Design and visual impact (ULP Policy GEN2)
- C Impact on residential amenity and disturbance (ULP Policies GEN2 & GEN4);
- D Access and Vehicle Parking Standards (ULP Policies GEN1 and GEN8, UDC Parking Standards)
- E Nature Conservation (ULP Policy GEN7)
- F Any other material considerations

### **A The principle of development of the site (NPPF, ULP Policies S1, GEN2, ENV14 and the NPPF)**

11.1 The principle of development of the site (ULP Policies S1, GEN2 and the NPPF)  
The application site lies within the development limits of Saffron Walden ULP Policy S1 where development compatible with the character of the settlement and countryside setting will be permitted within these boundaries.

11.2 The proposal is in relation to the demolition of a shed building and erection of a single dwelling. The sites character mainly consists of terrace and semi-detached

two storey dwellings of a linear layout along the highway of Thaxted Road. The mix of design and scale of dwellings actively existing contributes to the character of the street scene; the proposed dwelling will be sited along the existing development line of the neighbouring property and will result in the a row of terrace although this will result in an intensification of use of the site, this is not considered a significant level that will be detrimental to the site and its surroundings.

- 11.3 Due to the historic use of the site it may include some contamination. The Council Environmental Health Officer has been consulted and no objections are raised subject to the imposition of conditions. As such it is considered then development accords with ULP Policy ENV14.

In regards to poor air quality, due to the scale of the development the impact to the air quality management area is likely to be small in the context of this particular application. In view of the scale of proposed development and comments received from the Environmental Health Officer it is not considered a specific air quality condition is necessary for this particular application. Therefore it is considered the proposal accords with ULP Policy ENV13

- 11.4 Taking into consideration the mixture and scale and form of neighbouring properties it is considered the principle of the proposed dwelling is appropriate in the context of the site, the surrounding dwellings and character of the area. Taking into account the pattern of development surrounding the site with neighbouring dwellings and the sustainable position of the site within Saffron Walden, in this instance it is considered that there are no material considerations that would warrant refusal of this application. The proposal accords with ULP Policy S1, GEN2 and the NPPF.

## **B Design and visual impact (ULP Policy GEN2)**

- 11.5 The scale of the proposed dwelling is a moderate scale comparable with the neighbouring buildings. The dwelling will include a flat roof design with flat roof single storey element to the rear; this is comparable to the nearby development of Long Row Close. The materials to be used on the external finishes are traditional, vernacular materials and the proposed dwelling would provide an appropriate transition between the neighbouring properties and would be compatible with the group as a whole, that being said a condition should be imposed for the submission of the materials prior to the commencement of the development.
- 11.6 The development will result in the removal of the unsightly shed building and with the introduction of this new dwelling and residential landscaping the street scene would be enhanced. The Council's Landscape officer has been consulted and has no objections; however a landscape condition should be imposed for future boundary treatments. To the rear of the site is off street parking for the neighbouring properties, this will not be affected, however the requirement of a planning condition is required to ensure the parking provision and turning area is retained.
- 11.7 The development will include a sufficient amount of private rear amenity space; this is consistent with the neighbouring properties. The parking to the rear of the site will impede the use of the amenity space; however this is compatible with the neighbouring properties, as such this is a materials consideration.

The parking area to the rear of the site will require a significant area for car turning and as such this will result in a loss of useable residential amenity space. This was one of the main refusal reasons of the previous planning application on this site (UTT/18/1824/FUL). It is considered the reduction to the footprint of the dwelling and

further extension to the garden area has provided an acceptable garden space which is in character with the immediate neighbouring properties.

As such it is considered the overall scale, design, appearance and layout of the proposed dwelling is acceptable under ULP Policy GEN2 and the NPPF.

**C Impact on residential amenity and disturbance (ULP Policies GEN2 & GEN4)**

11.8 Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties.

11.9 Due to the siting and design of the dwelling it will introduce further windows to the rear first floor elevation, however due to the terrace character of the application site the existing neighbouring dwellings already include windows at this level and position, as such it is considered the proposed dwelling will not result in any significant increase in loss of privacy or overlooking to neighbouring properties that will have a harmful impact.

11.10 The location of the parking area will be to the rear of the site. The rear of the application site and neighbouring properties already offer off street parking and as such it is considered the location of the parking area close to the neighbouring properties parking area will not result in a material increase in nuisance and noise that will have a significant harmful impact to neighbouring properties. The proposed amenity area will be in close proximity to the neighbour's front garden area; as such the landscaping condition will deal with proposed boundary treatment.

11.11 The location of the parking area will be to the rear of the site. The rear of the application site and neighbouring properties already offer off street parking and as such it is considered the location of the parking area close to the neighbouring properties parking area will not result in a material increase in nuisance and noise that will have a significant harmful impact to neighbouring properties. The proposed amenity area will be in close proximity to the neighbour's front garden area; as such the landscaping condition will deal with proposed boundary treatment.

**D Access and Vehicle Parking Standards (ULP Policies GEN1 and GEN8, UDC Local Residential Parking Standards)**

11.12 Policy GEN1 states that development would only be approved when satisfactory safe access can be provided. Access to the front of the site will remain, however a new access to the rear of the site will be created and will provide 2 off street parking spaces. As part of the determination the Highways Authority were consulted, no objects have been made subject to the imposition of conditions.

11.13 The proposal will not generate a volume of traffic that would impact on the surrounding transport network, the site is sustainable with regard to the viability of public transport and services within walking distance. It is therefore considered that the proposed development accords with Policy GEN1.

11.14 The parking will be to the rear of the site, as demonstrated on the submitted block plan, two parking spaces have been provided, however following the case officer site visit it is considered the site could accommodate further off street parking. To ensure the proposal is in accordance with Uttlesford Residential Parking Standards

(2013) 3 off street parking spaces should be provided, from the case officers site visit it is clear this could be provided, as such a condition for a plan of the proposed parking to be submitted prior to the implementation of the development. As such the proposed parking for the development is considered to comply with ULP Policy GEN8 and Uttlesford Local Parking Standards (adopted 2013).

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

- 11.15 The applicants submitted a biodiversity questionnaire as part of the proposal. The proposed development does include the demolition of the shed building, however it is considered the development will not result in the removal of protected habitat. Essex County Council ecology has been consulted and has not made any objections. As such it is considered the proposal is not considered not to have a harmful impact to protected species and biodiversity and accords with ULP Policy GEN7.

## **F Any other material considerations**

- 11.16 Any other material considerations:  
The following policies are included in Regulation 19 Local Plan submission and therefore have been considered in the assessment of the application; these policies hold some limited weight.

SP9- Development within development limits

D1- High quality design

TA4- Vehicle parking standards

TA1- Accessible development

EN8- Protecting the natural environment.

EN18- Contaminated Land

## **12. CONCLUSION**

- 12.1 In conclusion, the proposal is considered an appropriate form development that would represent an acceptable scheme within the development limits and in terms of design, layout, amenity, parking and the impact on protected species and biodiversity. The proposal would comply with national and relevant local plan policy and is acceptable.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

### **Conditions**

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

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

2. Prior to the commencement of the development hereby approved a parking plan shall be submitted and approved in writing by the Local Planning Authority. The

parking layout plan shall demonstrate three off street parking spaces; these shall not be changed without prior written approval from the Local Planning Authority.

#### REASON

This prior commencement condition is required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policies GEN1 and GEN8.

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

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, 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 compatibility with the character of the area in accordance with ULP Policies S1 and GEN2 of the Uttlesford Local Plan (adopted 2005)

4. Notwithstanding the details shown on the submitted plans, details of the proposed external finishing materials shall be submitted and approved by the Local Planning Authority prior to the commencement of the works. The development will be implemented in accordance with the approved material and shall not be changed without prior written approval from the Local Planning Authority.

REASON: In the interests of the appearance of the development, in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

5. The dwelling hereby permitted must be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.  
REASON: To ensure compliance with Policy GEN2 of the Uttlesford Local Plan 2005 and the SPD on Accessible Homes and Playspace.

6. Prior to the occupation of the dwelling hereby permitted shall commence until details of a noise barrier or other suitable scheme for protecting the neighbouring dwellings from noise arising from vehicles using the proposed access drive has been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

REASON: To ensure that the amenity of existing neighbouring occupiers is not adversely affected by noise from the use of the proposed access driveway, in accordance with ULP Policy GEN2



- 7 Prior to the development hereby permitted a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority, in accordance with the aims of ULP Policy ENV14

The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

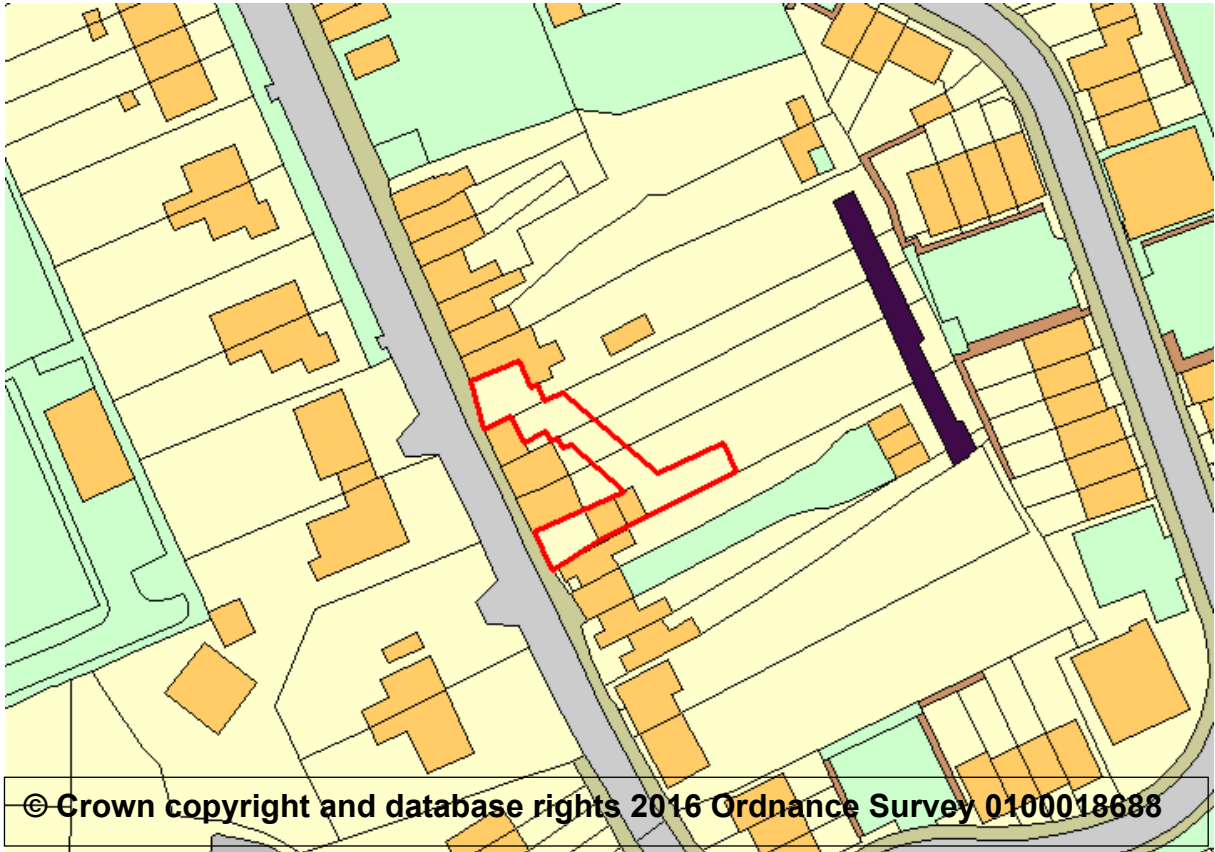
1.A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites - Code of Practice.

2. If any contamination is found during the phase 1 investigation, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2 and ENV14 of the Uttlesford Local Plan (adopted 2005).

3. The approved remediation scheme shall thereafter be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 February 2019