

UTT/19/0194/FUL  
(Saffron Walden)  
**(UDC Planning Application)**

**PROPOSAL:** Change of use from waste land to garden land including the erection of 1.8m high close board fencing with concrete posts and gravel boards.

**LOCATION:** Waste Land Space, Radwinter Road, Saffron Walden

**APPLICANT:** Uttlesford District Council

**AGENT:** N/A

**EXPIRY DATE:** 27<sup>th</sup> March 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 the strip of waste land located to the rear of 14, 18 and 20 Radwinter Road in the town of Saffron Walden. To the south of the site is a footpath; however this is not a public right of way.

**3. PROPOSAL**

3.1 This application is in relation to the proposed change of use of the waste land to domestic garden including the erection of 1.8m high close-board fencing.

**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 N/A

**6. RELEVANT SITE HISTORY**

6.1 There are no previous planning applications linked to this proposal.

## **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 GEN7 - Nature Conservation

## **8. PARISH COUNCIL COMMENTS**

8.1 No comments received- expiry 28/2/2019

## **9.0 CONSULTATIONS**

9.1 N/A

## **10 REPRESENTATIONS**

10.1 Neighbouring properties consultation expiry -22/2/2019  
Site notice and advertisement expiry -7/3/2019  
No comments received at the time of completion of report.

## **11 APPRAISAL**

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

- A The principle of development (NPPF, ULP Policies S1, GEN2, NPPF)
- B Impact on residential amenity and disturbance (ULP Policies GEN2 & GEN4)
- C Nature Conservation (ULP Policy GEN7)
- D Whether the proposal would have a harmful impact on the character or appearance of the surrounding conservation area as outlined in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (ULP Policy ENV1, NPPF).
- E Any other material considerations

### **A The principle of development (NPPF, ULP Policies S1, GEN2, 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 application seek planning permission for the change of use of a small piece of waste land to domestic garden, the land is to the south of Saffron Walden Cemetery. The proposal includes the introduction of close board fencing that will provide three individual sections of garden area. It is considered the proposal although would result in a material change to the use and appearance of the site this would not be harmful or detrimental to the overall character of the site. The introduction of the close board fencing would have a domestic appearance, however

this is considered compatible with the dwellings to the north and west of the site. As such it is considered the change of use of the site and introduction of fencing is in accordance with ULP Policies S1, GEN2 and the NPPF.

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

11.3 The scale and location of the application site will not result in any significant intensification of the site that will result in a material harm to neighbouring properties. The change of use to garden area will not result in any impact to neighbours in terms of overlooking, loss of privacy and disturbance. As such the proposal accords with ULP Policy GEN2 and GEN4.

**C Nature Conservation (ULP Policy GEN7)**

11.4 The applicants submitted a biodiversity questionnaire as part of the proposal, The proposal does not include in any demolition of any structures or buildings, as such the proposal has not triggered the requirement for the submission of further ecology surveys or reports. 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.

**D Whether the proposal would have a harmful impact on the character or appearance of the surrounding conservation area as outlined in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (ULP Policy ENV1, NPPF).**

11.5 The site is located inside the conservation area as such due consideration should be made to ensure the development preserves or enhances the character of the conservation area. The proposed change of use and works to the site will result in some minor material change to the character of the site, however this is not considered to be detrimental or harmful. As such the proposed development is considered to accords with ULP Policy ENV1 and the NPPF.

**E Any other material considerations**

11.6 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.

11.7 SP9- development within development limits  
D1- High quality design  
EN2- Design of development within conservation areas  
EN8- Protecting the natural environment

**12. CONCLUSION**

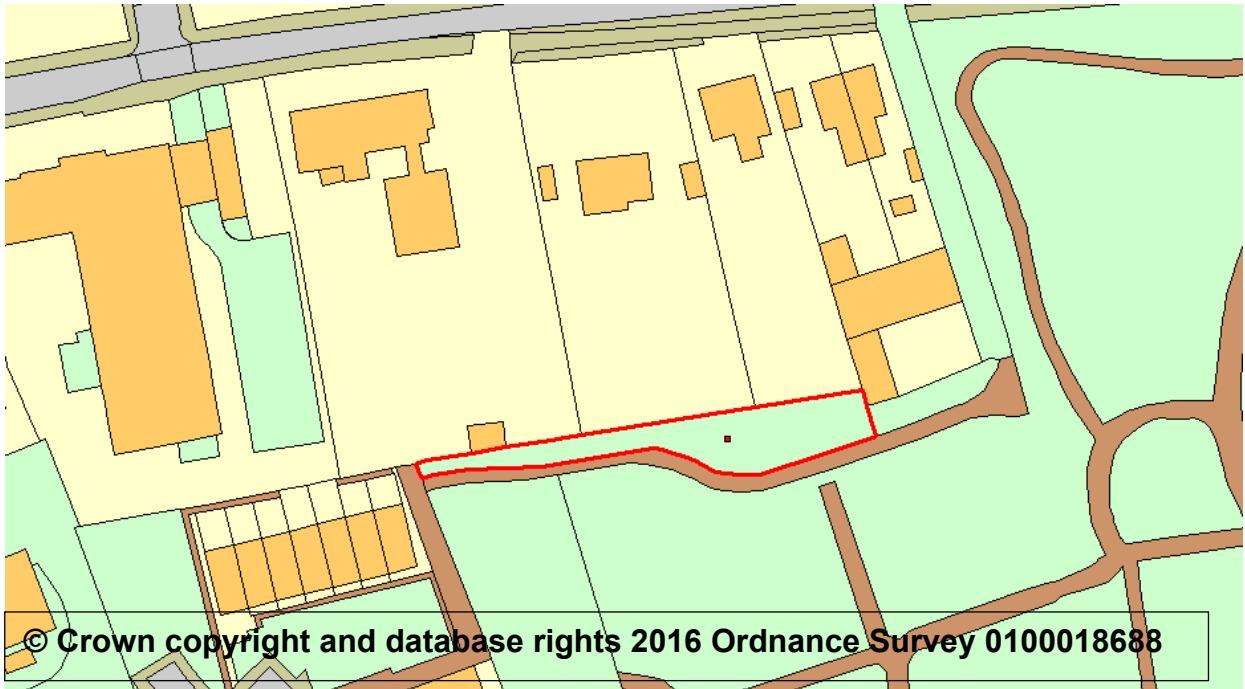
12.1 In conclusion, the proposal is considered an appropriate form development that would represent an acceptable scheme in terms of the character of the site and surrounding conservation area. The proposal complies with national and relevant local plan policy and is acceptable.

**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.



Organisation: Uttlesford District Council

Department: Planning

Date: 27 February 2019