

UTT/17/2407/FUL – (SAFFRON WALDEN)

(Referred to Committee by Cllr Lodge. Reason: Over-development of the site)

PROPOSAL: **Erection of 2 no. dwellings- Amendment to scheme approved under UTT/16/1997/FUL- the relocation of previously approved plot 4 and the addition of 1 no. dwelling (plot 5).**

LOCATION: **Land north of Farmadine Grove Saffron Walden Essex**

APPLICANT: **Scotfield Limited**

AGENT: **Mr Don Procter**

EXPIRY DATE: **28 January 2018**

CASE OFFICER: **Emmanuel Allanah**

1. NOTATION

1.1 Within Development Limits/Part within Conservation Area (south-west corner).

2. DESCRIPTION OF SITE

2.1 The site consists of a rectangular strip of overgrown land of 0.25 ha to the east of South Road and the north of Farmadine Grove which formerly comprised part of the railway line in Saffron Walden. Farmadine Grove is an unmade private cul-de-sac road which has a line of dwellings along its south side of varying ages, styles and sizes. A primary school exists to the immediate north of the site further along South Road, whilst infill housing exists along the former railway alignment to the north-east of the site linking into Victoria Avenue and to the south-east across the railway bridge (South Road).

2.2 A belt of mature trees exists along the site's north-western boundary, whilst a line of further trees exists along the site's south-eastern boundary onto Farmadine Grove with a short line of 2m high close-boarded fencing running from the end of the line to the corner of South Road onto the old railway bridge. The site is level through the site, although slopes down from the north-east and south-west flank boundaries.

3. PROPOSAL

3.1 The current proposed application would involve the erection of 2 no. dwellings – as an amendment to the scheme approved by Planning Committee under UTT/16/1997/FUL – the relocation of previously approved plot 4 and the addition of 1 no. dwelling (plot 5). This revised scheme would increase the number of dwellings from 4 dwellings to 5 dwellings in total.

3.2 The proposed scheme would comprise of two house types with House Type A comprising 3 no. 2 storey 4 bed units (Plots 1, 2 and 3) and House Type B comprising of 2 tow and half storey 5 bed units; with new plot 4 located between parking spaces and access route to the new proposed plot 5 (which is revised approved plot 4) A turning head is shown between Plots 2 and 3, whilst visitor/additional parking is shown at the beginning of the service road. Nominal landscaping is shown adjacent to the parking area. The dwellings would be

externally clad with slate and facing brick with cut arches where shown.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 It is your Planning Officer's opinion that the revised proposed development; having been assessed in accordance with the National Planning Practice Guidance to establish whether an EIA is required; it can be concluded following such practice procedure the revised proposed scheme does not constitute a Schedule 2 form of development as defined by the 1999 Regulations (as amended), as the development would not have significant effects on the local environment and does not constitute EIA development.

5. APPLICANT'S CASE

- 5.1 The application is supported with the following documents demonstrating how the revised scheme is considered acceptable and these supporting documents includes:

- Ecological Report Survey
- Biodiversity check list
- Tree Survey
- Access and Design Statement
- Contaminated Land Risk Assessment
- Flood Risk Assessment
- Soft Landscape Specification

6. RELEVANT SITE HISTORY

- 6.1 UTT/16/1997/FUL – Planning Committee granted planning permission with two recommended planning conditions for the erection of 4 no. detached dwellings and garages with ancillary landscaping and access arrangements. The approved scheme is currently been implemented.

- 6.2 UTT/16/0122/FUL – Planning permission was refused by the Council under its delegated powers arrangements on 24 March 2016 for the erection of 4 No. detached dwellings and garages with ancillary landscaping and access arrangements at Land North of Farmadine Grove – Camsted c/o agent (UTT/16/0122/FUL refers). The reason for refusal as cited within the Council's decision notice were as follows:

- The proposed development in terms of its location would lead to loss of designated open space and trees contrary to ULP Policy ENV3 of the adopted Local Plan (2005).
- The location and design of the proposed access in addition with traffic generated by the development would adversely harm the living conditions of the neighbouring properties in close proximity to the proposed access contrary to ULP Policy GEN2 of the adopted Local Plan (200).
- The location and design of the proposed access with its proximity at the junction of Farmadine Grove and South Road would adversely harm other road users, road safety and those mobility is impaired contrary to ULP Policy GEN1 OF THE ADOPTED Local Plan (2005).
- The proposed development would not preserve or enhance the setting or character of the heritage asset by reason of the form, scale, massing, orientation and materials proposed and therefore contrary to paragraphs 128 and 134 of the National Planning Policy Framework (NPPF) and ULP Policy ENV1 of the adopted Local Plan (2005).

7. POLICIES

7.1 National Policies

- National Planning Policy Framework

Uttlesford Local Plan (2005)

- ULP Policy S1 – Settlement Boundaries for the Main Urban Area
 - ULP Policy H1 – Housing development
 - ULP Policy SW2 – Residential Development within Saffron Walden’s Built – up Area.
 - ULP Policy ENV1 – Design of development within Conservation Areas
 - ULP Policy ENV3 – Open Spaces and Trees
 - ULP Policy ENV13 – Exposure to poor air quality
 - ULP Policy ENV14 – Contaminated land
 - ULP Policy H10 – Housing Mix
 - ULP Policy GEN1 - Access
 - ULP Policy GEN2 - Design
 - ULP Policy GEN3 – Flood Protection
 - ULP Policy GEN7 – Nature Conservation
 - ULP Policy GEN8 – Parking Standards
- ECC Parking Standards – Design and Good Practice (September 2009)
- ULP Parking Standards (February 2013)

8. TOWN COUNCIL COMMENTS

8.1 Saffron Walden Town Council object to this application on the following grounds:

- The development is contrary to Policy ENV3 – Open Spaces and Trees – open space and trees would be lost as a direct result of the proposed development ;
- The development is contrary to Policy ENV8 – Other Landscape elements of importance for Nature Conservation – the development would seek to remove and destroy established area of natural growth and wildlife;
- The development is contrary to Policy GEN1 Access- it is noted that access to the site would be difficult and the creation of an access road would have a direct, negative impact on surrounding properties;
- The development is contrary to Policy GEN2 Design – the proposed development is not compatible with the scale, form, layout, appearance or materials of surrounding buildings and would thus have a negative impact on the surrounding area;
- It is noted that the development would create run-off from rain water to existing properties as the current area acts as a good flood defence with trees and shrub land soaking up surface water. The development would result in run-off potentially resulting in flooding of this school
- It is noted that the proposed development would site on a higher level than existing residential properties and there are therefore differing levels in the proposed development land to the existing residential area. A slab level agreement should be implemented which would seek to address the differing foundation levels.

9. CONSULTATIONS

Conservation Officer

- 9.1 The application seeks consent to erect 5 no. detached dwellings, and garages on a narrow plot of land to the north of Farmadine Grove, within the historic town of Saffron Walden. The site, located to the east of the old railway bridge, was previously railway land, with the tracks running through this plot, and embankments on either side.

The site is also located on the boundary of the Saffron Walden Conservation Area, and the south western corner of the site, does in fact fall within the designated heritage asset.

The character of this plot of land, is very much 'open' in nature with a clear association to the former railway line that occupied the site. This character and former use can still be readily interpreted today. The site therefore possesses historic, aesthetic and evidential value which contributes to the setting of the conservation area, and informs our understanding as to how the area has developed historically and the context of the existing built development. The plot now serves as an area of important open space within this largely residential area, which is illustrative of the presence of the former railway line within the town.

Farmadine Grove is a private road which runs parallel to the plot in question, and features residential development in the form of modest, semi-detached, two-storey dwellings primarily, dating from the C19th and C20th. These properties strongly relate to Farmadine Grove, fronting onto it.

The proposed scheme seeks to erect 5 no. large, detached dwellings on this site, running in a linear pattern, with their frontages facing towards the north.

Having considered the scheme, despite the approval of the application for 4 no. dwellings, my previous objections regarding the principle of development here remain unaddressed and the addition of a further dwelling exacerbates the impact further still. I remain concerned that the proposed dwellings are excessive in their scale and fail to relate positively to the historic pattern of development or the scale and form of the existing dwellings in the locality, particularly along Farmadine Grove. Their orientation facing away from the street would appear incongruous and at odds with the established pattern of development and character of the street and wider Conservation Area.

Furthermore, I note that the ridge heights of the properties, despite the topography of the site, would be notably higher than the bridge itself, and therefore, the new dwellings would have a significant impact upon the character of the site, the conservation area and the existing dwellings.

To conclude, the development is not considered to preserve or enhance the setting or character of the heritage asset, by reason of the form, scale, massing, orientation and materials proposed, and I have been unable to locate any reference or assessment of the significance of the Conservation Area and how this would be impacted by the scheme within the application. Therefore, the application is considered to be contrary to paragraphs 128 and 134 of the NPPF, 2012 and policy ENV1 of the ULP, 2005 and should therefore be refused.

UDC Environmental Services

- 9.2 The application site is on the former railway and adjacent to a tunnel backfilled with unknown material and other potential sources of contamination. As a result there is a risk to receptors including human health and the water environment. A Contaminated Land Risk Assessment prepared by Nott Group dated August 2017 has been submitted, and concludes that contamination potentially harmful to human health is present, but that it would be practical to remediate the site to bring it to a condition suitable for the residential use.

The report does not specify the source of the assessment criteria used for the substances in soil assessed. In particular, the levels of lead identified exceed current assessment criteria.

An update to the report is therefore required, using up to date assessment criteria. The report also recommends a detailed ground gas risk assessment should be carried out, and this should be included with the updated information. The Environment Agency should be consulted with respect to any risk to Controlled Waters.

The following conditions are recommended to ensure adequate assessment, remediation and validation of the site, and to cover any unexpected contamination found during construction stage.

1. No development other than that required to be carried out as part of an approved scheme of remediation shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be based on findings of the Contaminated Land Risk Assessment prepared by Nott Group dated August 2017 and shall assess any contamination on the site, including ground gas, whether or not it originates on the site, and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".
2. If found to be necessary from the findings of the risk assessment, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to receptors shall be 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, 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.
3. The remediation scheme shall be implemented in accordance with the approved timetable of works prior to the commencement of development (other than that required to carry out the remediation) unless otherwise agreed by the local planning authority. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report to demonstrate the effectiveness of the remediation carried out must be to and approved in writing by the Local Planning Authority.
4. If, during development, contamination not previously identified is found to be present at the site, it must be reported immediately to the Local Planning

Authority and work halted on the part of the site affected by the unexpected contamination. No further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has carried out a full assessment of the extent of the contamination. Where remediation is necessary, a remediation scheme shall be provided detailing how this unsuspected contamination shall be dealt with. The details shall be submitted to and approved in writing by the local planning authority Following completion of measures identified in the approved remediation scheme, a validation report must be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with Policy GEN2 ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Essex County Council Highways

- 9.3 The Essex Highway Authority advised that from a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority 's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Aerodrome Safeguarding Officer

- 9.4 No objection.

NATS Safeguarding

- 9.5 No objection.

ECC Ecologist

- 9.6 No objection.

10. REPRESENTATIONS

- 10.1 Eleven letters of objection received and the summary of their objection and concerns includes:

- Overdevelopment of the site
- Traffic generation
- Access problem
- Pollution of the local environment
- Adverse impact to the character and appearance of the Conservation Area
- Impact on wildlife
- Loss of open space
- Overlooking
- Building datum
- Scale, style orientation
- Land contamination
- Road safety

11. APPRAISAL

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

- A Principle of the development (NPPF, ULP Policies S1, H1 and SW2)
- B Whether the proposal would harm the amenity of the neighbouring properties (ULP Policy GEN2)
- C Whether the proposal would displace open space, harm wildlife or lead to the flooding of the area (ULP Policies ENV3 , GEN3 and GEN7)
- D Whether the scale, mass, layout and design of the proposed development would harm the character and appearance of the Conservation Area (ULP Policy ENV1)
- E Whether the proposed access and parking would harm traffic and other road users (ULP Policies GEN1 and GEN8)
- F The impact on local infrastructure such as affordable housing (ULP Policies GEN6 and H9)

A Principle of the development (NPPF, ULP Policies S1, H1 and SW2)

- 11.1 Paragraph 17 bullet point 8 of the National Planning Policy Framework 9NPPF0 encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not high environmental value. The application site is a used former railway track which has been abandoned and takeover by over grown plants, hedgerows and vegetation located below a bridge. The site is a rectangular shape which also in land use terms is located within development limits of Saffron Walden settlement Area and some part of it is within Conservation Area. The area is characterised by different scale, form, layout and design of residential buildings, school buildings and other nearby commercial units.
- 11.2 The principle of residential dwellings on the site has previously been established by the granting of approval for planning application UTT/16/1997/FUL. As stated above, this application seeks amendments to the previously approved scheme and the addition of one extra dwelling. Given the nature of the site at present and its planning history it can be argued that the principle of the development is considered acceptable. The applications impact on residential amenity, heritage assets, traffic,

B Whether the proposal would harm the amenity of the neighbouring properties (ULP Policy GEN2)

- 11.3 The current proposed scheme and its layout is comprised of dwellings that are of a similar size, height and design as the nearby existing buildings. It is considered that the proposal respects the location, scale and design of the surrounding properties, including the separation distance to the existing residential properties along Farmadine Grove which are directly facing the application. It is considered that given the layout of the proposed development, the proposed scheme would not lead to any significant overlooking of the neighbouring properties.
- 11.4 Furthermore, the dwellings for the proposed development would be set at a lower ground level than the dwellings which exist along Farmadine Grove as shown on the section plans submitted with the application. It is considered that the development would not have a significant detrimental effect on the residential amenities of the neighbouring properties. Tree screening exists along the south-east boundary onto the road and where a separation distance of between 18m and 20m would exist between the rear of the dwellings for Plots 1, 2, 3 and 4 to the dwellings behind in Farmadine Grove and as the nearest proposed dwelling to this road would have a

blank facing gable end (Plot 5). It is considered from this that no amenity objections can be reasonably raised to the proposal under ULP Policy GEN2 notwithstanding concerns raised by various local residents to this effect.

C Whether the proposed development which would now comprised of five dwelling instead of the four would have a significant impact on the remaining open space within the site or harm wildlife or lead to the flooding of the existing built up settlement area (ULP Policies ENV3, GEN3 and GEN7)

11.7 The application site is within designated open space although not protected in policy terms and it does not form a protected open space of environmental value in accordance with Policy ENV3. Objections have been raised by nearby local residents that wish to see the site remain as an open space which they feel contributes significantly to the visual amenity of the settlement area. As stated above the principle of development has been established through the approval of application UTT/16/1997/FUL. Whilst, the current proposal would increase the number of dwellings by one, this increase would not have a significant detrimental impact on the open space, over and above what has previously been approved. The proposed properties would still be sufficiently spaced out and would be in keeping with the settlement pattern. For this reason, it is considered that the development accords with Policy ENV3.

11.8 In order to demonstrate any potential impact on wildlife, the application has been accompanied by a biodiversity checklist and Ecological Assessment Survey. Details of such survey has been considered by ECC Ecologist and concluded the proposal would not harm wildlife and as a result the proposal is not in conflict with Policy GEN7.

11.9 A Flood Risk Assessment carried out despite the site is within Zone 1 Flood Plain area as shown in the Environment Agency Map; the conclusion is that the proposal would not induce flooding to the local environment. It should be noted that there are existing dwellings built at the site's north-east boundary in addition with a larger concentration of dwellings (Braybrooks Close) which have been built on the south-west side of South Road further along the old alignment rail way line.

D Whether the scale, mass, layout and design of the proposed development would harm the character and appearance of the Conservation Area (ULP Policy ENV1)

11.10 The site is located on the boundary of the Saffron Walden Conservation Area, and the south western corner of the site, does in fact fall within the designated heritage asset. The character of this plot of land, is very much 'open' in nature with a clear association to the former railway line that occupied the site.

11.11 The Conservation Officer has been consulted with regards to the scheme. She has raised concerns that the development fails to enhance the setting or character of the heritage asset, by reason of the form, scale, massing, orientation and materials proposed.

11.12 The comments from the Council's Conservation Officer relating to the impact of the proposed development on the character and appearance of the conservation area are noted. However, it should be emphasised that only a very small proportion of the site is within the designated conservation area (south-west corner onto South Road) and it is considered from this that any impact of the development on the conservation area would be minimal and would cause less than significant harm. In

the circumstances, it is the opinion of the Planning Officer that the proposal would not be contrary to ULP Policy ENV1 despite your conservation officer comments.

E Whether the proposed access and parking would harm traffic and other road users (ULP Policies GEN1 and GEN8)

- 11.13 Essex County Council Highway Authority has been consulted with regards to the proposed development. They confirmed they have no objection to the proposed access, It is considered that the scheme does not conflict with Policy GEN1.

F Infrastructure provision to support development (ULP Policies GEN6 and H9)

- 11.14 The proposed application would involve the erection of five dwellings. The Council's Developer Contributions Guidance Document adopted as a "Material Consideration" by Cabinet in September 2015 states that 20% affordable housing provision will be required for proposed developments on sites of between 5-14 dwellings or sites between 0.17ha and 0.49ha or an equivalent financial contribution as advised by the Council. Given the number of dwellings proposed is up to five residential units; the scheme therefore is considered to be liable to a 20% affordable housing provision under the guidance document. In this instance the applicant did not show any element of designated affordable housing unit or provision of financial contribution towards the provision of affordable housing unit in any of the supporting information or proposed plans in the current proposal as a result the proposal is in conflict with Policies GEN6 and H9.

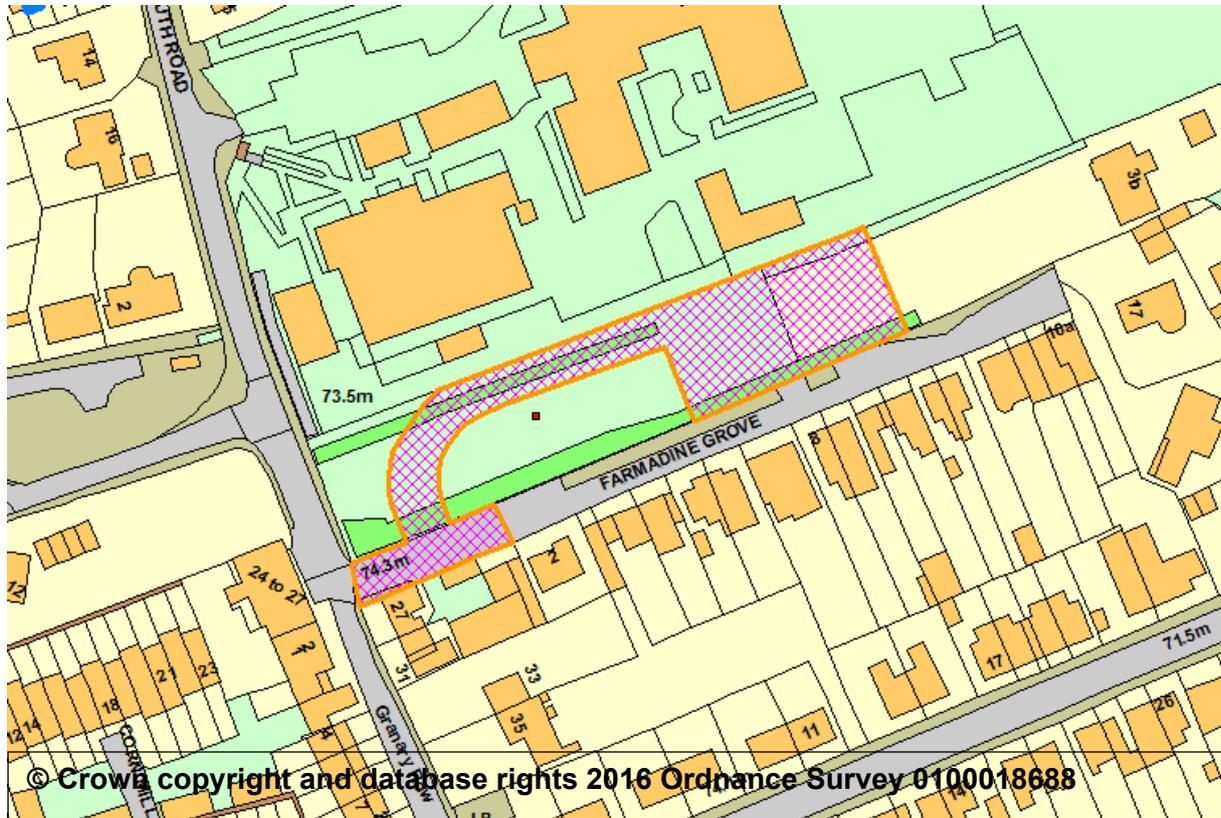
12. CONCLUSION

The following is a summary of the main reasons for the recommendation:

RECOMMENDATION – APPROVE

Application: UTT/17/2407/FUL

Address: Campions, Land North of Farmadine Grove, Saffron Walden



Organisation:	Uttlesford District Council
Department:	Planning
Date:	8 December 2017