



ITEM NUMBER: 12

PLANNING COMMITTEE DATE: 13 December 2023

REFERENCE NUMBER: UTT/23/2119/FUL

LOCATION: Land Between 39 And 41
Cromwell Road
Saffron Walden

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 21 November 2023

PROPOSAL: Erection of 2 no. semi-detached dwellings with associated access, parking and landscaping.

APPLICANT: Mr M Hoare

AGENT: Mr T Cannon (CANNON Architectural Design Ltd)

EXPIRY DATE: 24 October 2023

EOT EXPIRY DATE: 18 December 2023

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Within Development Limits.
Within Groundwater Source Protection Zone 1.
Within Area A of Debden Radar.

REASON THIS APPLICATION IS ON THE AGENDA: Call In

1. EXECUTIVE SUMMARY

- 1.1** This a full planning application for the erection of 2 no. semi-detached dwellings with associated access, parking and landscaping. The application does not propose any affordable units.
- 1.2** The development site is located within development limits. As the proposals cannot be tested against a fully up-to-date Development Plan, and despite the LPA's 5YHLS surplus (including the necessary 5% buffer), paragraph 11(d) of the National Planning Policy Framework (NPPF) is engaged.
- 1.3** The planning balance under paragraph 11(d) of the NPPF would be in favour of the proposal. The proposed development would not materially harm to the open and rural character and appearance of the area. all other planning consideration would also be acceptable.
- 1.4** It has been concluded that the benefits of the development would significantly and demonstrably outweigh the identified adverse effects, and thereby the application should be approved subject to conditions.

2. RECOMMENDATION

That the Strategic Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

A) Conditions.

3. SITE LOCATION AND DESCRIPTION:

3.1 The application site comprises open, undeveloped land, located within development limits in Saffron Walden. The site includes a small bin and a bus stop flag, delineated by a hard surfaced footway to the west and driveway to the east. There are 2-storey residential and commercial properties around the site, including shops and other facilities across the road to the south. The overall area contains a distinct urban character with mixed uses and properties of varying architectural styles, sizes and materials.

4. PROPOSAL

4.1 This a full planning application for the erection of 2 no. semi-detached dwellings with associated access, parking and landscaping. The application does not propose any affordable units.

4.2 The application includes the following documents:

- Application form
- Biodiversity checklist
- Artist's illustration
- Design, access, planning and transport statement.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

Reference	Proposal	Decision
UTT/20/0610/PA	2 x 3B Semi/Det houses with garages and off-street parking; 4 x 1B maisonettes with off-street parking and amenity space.	Closed (09.07.2020).
SWB/0026/70	Layout and house types for 124 houses.	Approved with conditions (10.07.1970).

SWB/0027/62	Use for residential development	Approved with conditions (15.06.1962).
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7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.

7.2 Although no statement of community involvement has been submitted with the application, pre-application discussion (UTT/20/0610/PA) has been held with officers of Uttlesford District Council prior to the submission of this application. The pre-app advice concluded that development on this site would have to be a balanced decision based on the impact of the scheme to the character and appearance of the area.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 No objections subject to conditions (see full response in Appendix 1).

9. TOWN COUNCIL COMMENTS

9.1 The Town Council commented as follows:

- Committee considered the application at length and noted the land: Appears to be privately owned thus not registered as public open space and no public comments have been made.
- Resolved: **No objections.**

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objections subject to conditions.

10.2 UDC Landscape Officer/Arborist

10.2.1 No objections subject to conditions.

10.3 National Air Traffic Services (NATS)

10.3.1 No objections unconditionally.

11. REPRESENTATIONS

11.1 Notification letters were sent to nearby properties. Representations have been received.

11.2 Support

11.2.1 No comments have been received in support of the application.

11.3 Object

- 11.3.1**
- Loss of light and overshadowing.
 - 2-storey dwellings with 2-storey projections to the rear.
 - Neighbouring dwellings have single storey rear elements.
 - Proximity to neighbouring gardens.
 - Loss of privacy and overlooking.
 - Nos. 39 and 41 Cromwell Road have no side facing windows.
 - Balcony to front – no need for Juliet balconies to the rear.
 - Inappropriate materials.
 - Harm to the character and appearance of the area.
 - Turning area to the nearby garages will be compromised.
 - Concerns over bin collection capacity.
 - Compromise in highway safety.
 - Security concerns due to tall fences.
 - More anti-social behaviour.
 - Well used paths and green by the public.
 - Concerns over manholes on the site.
 - Bus stop should not be relocated far away.
 - Loss of green / public open space.
 - Over-development of site.
 - Site too small for 2 no. 3-bed houses.
 - Stepped position of proposed dwellings.
 - Revisions necessary.
 - Bungalow more suited development for this site.
 - Increase of on-street parking due to the loss of on-street parking.
 - Traffic increase.
 - Disabled access through the green should be preserved.
 - Dog waste bin widely used / should not be removed.
 - Potential damages from construction traffic.

11.4 Comment

11.4.1 All material planning considerations raised by third parties have been thoroughly reviewed when considering this application. Land ownership issues and issues around the deliverability of a planning permission are civil matters beyond planning.

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the

policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act 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.

12.3 The Development Plan

- 12.3.1** Essex Minerals Local Plan (adopted July 2014)
 Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
 Uttlesford District Local Plan (adopted 2005)
 Felsted Neighbourhood Plan (made February 2020)
 Great Dunmow Neighbourhood Plan (made December 2016)
 Newport, Quendon and Rickling Neighbourhood Plan (made June 2021)
 Thaxted Neighbourhood Plan (made February 2019)
 Stebbing Neighbourhood Plan (made July 2022)
 Saffron Walden Neighbourhood Plan (made October 2022)
 Ashdon Neighbourhood Plan (made December 2022)
 Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023).

13.2 Uttlesford District Local Plan (2005)

13.2.1	S1	Settlement Boundaries for the Main Urban Areas
	GEN1	Access
	GEN2	Design
	GEN3	Flood Protection
	GEN4	Good Neighbourliness
	GEN5	Light Pollution
	GEN7	Nature Conservation
	GEN8	Vehicle Parking Standards
	ENV4	Ancient Monuments and Sites of Archaeological Importance
	ENV8	Other Landscape Elements of Importance for Nature Conservation

ENV10	Noise Sensitive Development and Disturbance from Aircraft
ENV11	Noise generators
ENV12	Groundwater Protection
ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land
H3	Infilling with New Houses
SW2	Residential Development within Saffron Walden's Built-Up Area

13.3 Saffron Walden Neighbourhood Plan

13.3.1 The Neighbourhood Plan was 'made' on 11 October 2022.

13.3.2	SW1	Housing Mix on New Developments
	SW3	Design
	SW4	Parking on New Developments
	SW12	Promoting Walking and Cycling

13.4 Supplementary Planning Document or Guidance

13.4.1 Uttlesford Local Residential Parking Standards (2013)
 Essex County Council Parking Standards (2009)
 Supplementary Planning Document – Accessible homes and playspace
 Essex Design Guide
 Uttlesford Interim Climate Change Planning Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2
- A) Principle of development
 - B) Character and appearance / Climate change / Housing mix
 - C) Residential amenity
 - D) Access and parking
 - E) Ecology
 - F) Contamination
 - G) Archaeology
 - H) Flood risk and drainage
 - I) Other matters
 - J) Planning balance

14.3 A) Principle of development

14.3.1 Housing land supply:

The site is located within development limits. The local planning authority (LPA) published in October 2023 a 5-Year Housing Land Supply (5YHLS)

figure of **5.14 years**¹; this figure includes the necessary 5% buffer. That said the LPA's Development Plan cannot be viewed as being fully up to date, and as such, paragraph 11(d) of the National Planning Policy Framework (NPPF, 2023) is still engaged, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless (i) the application of Framework policies that protect areas or assets of particular importance provides a clear reason for refusal or (ii) any adverse impacts would significantly and demonstrably outweigh the benefits.

14.3.2 Location – Isolation, services and facilities:

Recent case law² defined 'isolation' as the spatial/physical separation from a settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is not isolated, as it is part of Saffron Walden. Paragraph 80 of the NPPF is not applicable.

14.3.3 Saffron Walden offers a wide range of services and facilities, being one of the most sustainable towns in the district, including schools, medical surgeries, supermarkets and a vast range of commercial and professional premises and services. The nearest serviced bus stop is located to the front of the site and the nearest supermarket (Nisa Local) is opposite the application site. The nearest school (Katherine Semar Junior School – 5' walk) is 350m from the site and the nearest medical surgery (Gold Street surgery – 22' walk) is 1.7km away. There are pedestrian footpaths, lit, continuous and maintained, that link the application site to the bus stops and the above services and facilities.

14.3.4 The occupants of the proposed dwellings would be able to safely access sustainable public transport of a satisfactory frequency, and a plethora of services and facilities within walking distances. Many movements to and from the site would be undertaken by means other than the private car. Opportunities to promote sustainable transport modes have been taken up and alternative transport options are promoted by the development. Therefore, the sustainability credentials of the location are eminent and the development complies with paragraphs 104(c), 110(a) of the NPPF, policy SW12(1)-(2) of the Saffron Walden Neighbourhood Plan, and policy GEN1(e) of the Local Plan.

14.3.5 Conclusion:

The principle of the development is acceptable and complies with policies S1, SW2 and GEN1(e) of the Local Plan, policy SW12(1)-(2) of the Saffron Walden Neighbourhood Plan, and the NPPF. However, the development's acceptance would be subject to additional material considerations, such as the impact of the proposal on character and appearance (see Section B).

¹ Previously at 4.89 years in Apr 2022 (from 3.52 years, Apr 2021, and 3.11 years in Jan 2021 and 2.68 years before that).

² Braintree DC v SSCLG [2018] EWCA Civ. 610.

14.4 B) Character and appearance / Climate change / Housing mix

14.4.1 Character and appearance (open space, pattern, landscape):

Policy S1 of the Local Plan states that development will be permitted within the development limits and within the existing built-up areas if compatible with the character of the settlement. Policy SW2 of the Local Plan also states that the development of sites brought forward with the Local Plan will be supplemented by other sites, within the development limit, which will be generally small in scale and not specifically identified on the Proposals Map.

14.4.2 Paragraph 93 of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning decisions should (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. The rest of the provisions in paragraph 93 of the NPPF do not apply on this occasion, as they do not refer to open space.

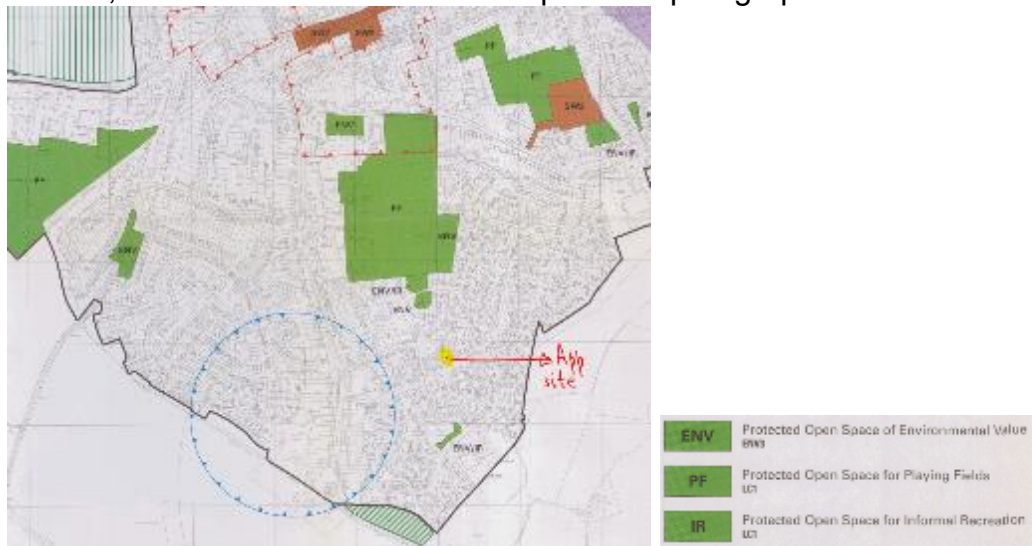
14.4.3 In addition, paragraph 99 of the NPPF states amongst others that existing open space should not be built on unless: (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

14.4.4 Elected representatives and neighbouring parties raised concerns over the potential loss of the land as a public open space. Following thorough review of the available information and planning records, these comments and objections are afforded limited weight as the application site is **not** designated public open space, as it is not included in the public open spaces protected by the provisions of the Local Plan or the Saffron Walden Neighbourhood Plan. Also, there are no restrictions by way of condition or planning obligations in the original planning permission under which the housing estate was built (SWB/0026/70 and SWB/0027/62) nor any indications on the approved drawings or elsewhere that the site was to be used as public open space when the above permissions were granted.

14.4.5 Notwithstanding the above, this is not to say that the site has no value for the local character. After all, 'open space' is defined in the NPPF glossary as "*all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity*". The application site, by reason of its open and verdant

appearance, would positively contribute to the character and appearance of the area. However, this positive contribution would be **limited** due to the small size of the site³, the existence of other similar informal open spaces in the vicinity, as well as the proximity of the site to designated open spaces in Saffron Walden.

14.4.6 The protected open spaces are shown in green in the map below⁴. A similar informal open space is located to the north-west of the application site in Well Green Close. The nearest protected open space (Greenways – 5' walk) is 350m to the north of the application site. Therefore, the application site is **not** part of the protected open spaces' network, and as such, policies LC1 and ENV3 of the Local Plan and policy SW17 of the Saffron Walden Neighbourhood Plan are **not** applicable. In addition, the conflict of the proposed development with paragraphs 93(a) and 99 of the NPPF would be afforded limited weight given the limited amenity value of the site, for the reasons set out in the previous paragraph.



14.4.7 Paragraph 102 of the NPPF states that the Local Green Space designation should only be used where the green space is (a) in reasonably close proximity to the community it serves; (b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and (c) local in character and is not an extensive tract of land. Although the Uttlesford Local Plan was adopted in 2005 and precedes the NPPF, the Saffron Walden Neighbourhood Plan was 'made' on 11 October 2022, and as such, the NPPF test of paragraph 102 would have been applied before designating protected open spaces; the Saffron Walden Neighbourhood Plan did not conclude that the application site would meet that test. This is further indication of the limited contribution of the land to the character and appearance of the area.

³ The small size of the site would limit the opportunities for sport and recreation which is referenced in the 'open space' definition within the NPPF glossary.

⁴ This Map and legend are extracts from the Uttlesford Local Plan (2005).

- 14.4.8** The local character contains a distinct urban feel without any views to the countryside, and therefore there would be no harm to the wider landscape or the countryside setting of Saffron Walden. The Landscape officer raised **no objections** subject to a landscaping condition for the details of boundary treatments to be secured. The proposal would introduce built form within development limits in an urban environment, and as such, any urbanising effects⁵ would be minimal.
- 14.4.9** Notwithstanding the concerns raised by neighbouring occupiers that were carefully considered, the proposed materials would include red facing brickwork and timber cladding that would be conditioned for clarity purposes. The property opposite (no. 52A Cromwell Road) has horizontal timber weatherboarding at first-floor level, and as such, this external finish would be in keeping with the local character. In any case, a uniform design and materials would not complement the character and appearance of the area that has been designed to the poor urban aesthetics of the 1960s and 1970s. The combination of materials, the proposed fenestration and the jetty on the front elevation of unit 1 would visually upgrade the appearance of the area by breaking up the aesthetic monotony of the existing built form on this side of Cromwell Road. The proposal would not affect the setting and significance of any heritage assets.
- 14.4.10** Following revisions to address residential amenity issues (see Section C), the development would function well and add to the overall quality of the area over its lifetime, would be visually attractive as a result of good architecture and sympathetic to local character, including the surrounding built environment, in compliance with paragraph 130 of the NPPF, policy GEN2 of the Local Plan, and policy SW3(1) of the Saffron Walden Neighbourhood Plan. The scale, form and layout of the proposed units would be compatible with the surrounding buildings, in accordance with policy GEN2 of the Local Plan. Although the rear projections would be 2-storey in height, they have been scaled back in the latest revisions and the footprint of each unit would be comparable to the nearby dwellings and integrate well with the existing neighbourhood, in compliance with policy SW3(4) of the Saffron Walden Neighbourhood Plan.
- 14.4.11** Although some close boarded fencing would be required (and secured via a landscaping condition) to safeguard residential amenities (see Section C), its presence would be limited to the back of the properties, minimising any detrimental effects to the appearance of the area.
- 14.4.12** Notwithstanding any comments indicating otherwise, the proposal would not amount to over-development of the site, as there would be appropriate spacing between the dwellings and their boundaries, as well as amenity spaces (see Section C). Even if permitted development rights would be exercised, the proposed dwellings would still retain appropriate gardens,

⁵ Domestic appearance of built form and domestic paraphernalia with which housing is associated, such as household equipment, vehicles, parking spaces and hardstandings, patios, fences, garden equipment, etc..

and as such, permitted development rights should not be withdrawn for outbuildings or extensions.

14.4.13 The proposal would be an infill opportunity as it would continue the linear built-up pattern on the northern side of the highway between nos. 39 and 41 Cromwell Road. The development would comply with policy SW3(5)(b)-(c) of the Saffron Walden Neighbourhood Plan, and policy H3(b)-(f) of the Local Plan, which allows infilling with new houses within development limits in Saffron Walden if the development would be compatible with the character of the settlement. Policy H3(a) of the Local Plan includes an additional test for windfall sites⁶ that requires them to be previously developed land and to which the proposal would not comply with. However, this part of the policy would conflict with paragraph 69(c) of the NPPF, which requires LPAs to support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

14.4.14 Considering the above, as the proposal was found to be compatible with the character and appearance of the area and settlement, the proposed development would comply with policies S1, SW2, GEN2 and H3 of the Local Plan, SW3(1), SW3(4) and SW3(5)(b)-(c) of the Saffron Walden Neighbourhood Plan, and the NPPF.

14.4.15 Effective/efficient use of land:

Paragraph 119 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes, while safeguarding and improving the environment. Paragraph 120(d) of the NPPF states that planning decisions should promote and support the development of under-utilised land, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively. Paragraph 125 of the NPPF states that where there is an existing shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. In these circumstances: (c) LPAs should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the NPPF.

14.4.16 The proposal would provide a more effective use of urban land, which would be sympathetic to the local pattern of development and preserve the character and appearance of the area. The proposed housing density would be 36.9 dwellings per hectare, which is appropriate for the town. The proposal would comply with paragraphs 119, 120(d) and 125 of the NPPF.

14.4.17 Climate change:

⁶ Windfall sites are not specified in the Uttlesford Local Plan (2005) but are defined in the NPPF (2023) glossary as “*Sites not specifically identified in the development plan*”.

The LPA adopted a Climate Crisis Strategy 2021-30 and an Interim Climate Change Planning Policy, which prioritises energy performance. The development would need to bring forward water and energy efficiency measures and construction techniques to ensure compliance with the above policies, as well as section 14 of the NPPF. Water efficiency must be at a total water consumption of 110 litres per person per day (or less) as set out in policy 3 of the Interim Climate Change Planning Policy, and policy GEN2(e) of the Local Plan.

14.4.18 Housing mix:

Policy H10 of the Local Plan is applicable on sites of 0.1ha and above or of 3 no. or more dwellings, and as such, it is not relevant on this occasion. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Policy SW1 of the Saffron Walden Neighbourhood Plan requires from all residential developments a mix of sizes which reflects local needs but also provides for balanced and vibrant neighbourhoods. The specific mix should be based on up-to-date local evidence of need and take account of local circumstances and the nature of the surrounding area. As such, more recent evidence in the Local Housing Needs Assessment (LHNA) Update (October 2023) prepared for the Draft Uttlesford Local Plan 2021 – 2041 (Regulation 18) recommends the following housing mix:

	1-bedroom	2-bedrooms	3-bedrooms	4+ bedrooms
Market	5%	35%	40%	20%
Affordable home ownership	20%	45%	25%	10%
Affordable housing (rented)	35%	35%	25%	5%

14.4.19 However, this evidence has not yet been formally accepted by the LPA and holds limited weight. In any case, the proposed 3-bedroom houses would reflect the demand shown in the most recent data, in compliance with policy SW1 of the Saffron Walden Neighbourhood Plan.

14.5 C) Residential amenity

14.5.1 The proposed units would be 2-storey with an occupancy of 3B5P⁷ and gross internal areas (GIA) that would exceed the minimum GIA threshold⁸ (93 sqm).

14.5.2 In terms of amenity (garden) space, following revisions, the proposed dwellings would have gardens in excess of the 100 sqm threshold set out by the Essex Design Guide for 3+ bedroom properties. The proposal would comply with policy GEN2(c) of the Local Plan, and paragraph 130(f) of the NPPF.

⁷ 3B5P = 3 Bedrooms - 5 Persons.

⁸ Technical Housing Standards – Nationally Described Space Standard (NDSS).

14.5.3 In terms of noise, odours, vibrations, dust, light pollution and other disturbances, the Environmental Health officer raised **no objections** unconditionally in the interests of residential amenity (see also Section F).

14.5.4 Notwithstanding the concerns raised by neighbouring occupiers, after applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests, the proposal would safeguard the residential amenity of existing and prospective occupiers in terms of potential material overshadowing, overlooking and overbearing effects:

- Potential overlooking and loss of privacy:

Third parties have raised well-founded concerns about the development's impact on their privacy and this has been carefully assessed and followed by the submission of revisions to address these issues. Consequently, there is no material overlooking of, and loss of privacy to, any habitable room windows or private gardens that would harm the residential amenity of the immediate neighbouring occupiers in nos. 39 and 41 Cromwell Road and nos. 14 and 16 Well Green Close or any other properties:

- The 25m guidance of the Essex Design Guide would **only** apply to back-to-back cases. The proposed dwellings would be 14.9m at the closest point of unit 2 to the boundary with no. 16 Well Green Close and 22.4m at the closest point of unit 1 to the same neighbouring boundary to the north. The views towards the private gardens of nos. 16 and 14 Well Green Close would also be angled. Therefore, the proposal would not compromise the privacy enjoyed by the occupants of nos. 14 and 16 Well Green Close.
- The **revisions** omitted the side facing windows of both units (bedroom 3) that would otherwise directly overlook from vantage positions the private gardens immediately outside nos. 39 and 41 Cromwell Road. This would compromise the privacy enjoyed by those neighbours to the detriment of their residential amenity. The revisions scaled down the units (from a total footprint of 137.5 sqm to 122.5 sqm) and those side facing windows at first-floor level, which was accommodated through internal alterations to ensure compliance with Building Regulations. The proposed rooflights would ensure appropriate natural light into these bedrooms. Therefore, the proposal would not compromise the privacy enjoyed by the occupants of nos. 39 and 41 Cromwell Road.
- The revisions have also omitted the front balconies that would assist in reducing any perception of overlooking by the neighbouring occupiers above the shops on the other side of Cromwell Road.

- Potential overshadowing and loss of light:

After thorough review of the concerns raised by neighbours, which was followed by revised drawings to scale back the rear projecting gables of the units, the 45-degree tests show that the proposed dwellings would not materially overshadow any private gardens or habitable room windows of the neighbouring properties or between them.

- Potential overbearing effects:

Notwithstanding the concerns raised by neighbours, given the gaps in relation to the site and neighbouring boundaries and the single storey

height of the rear projections of those neighbouring properties, no overbearing impacts ('tunnelling effect' or 'sense of enclosure') would occur that would materially harm the residential amenity of the neighbouring occupiers.

14.6 D) Access and parking

14.6.1 Notwithstanding the concerns of third parties and following revisions to ensure separate dropped kerb crossings for the units and a full height kerb between the new accesses, as well as revisions to show the continuous footway and the relocated bus stop flag, from a highway and transportation perspective, the Highway Authority raised **no objections** subject to conditions in the interests of highway safety, as the development would accord with the adopted Essex County Council Supplementary Guidance – Development Management Policies (Feb 2011), policy GEN1 of the Local Plan, and paragraphs 111 and 110(b) of the NPPF. The conditions refer to the dimensions of the access, the surface treatment of the access, the provision of parking, and the relocation of the bus stop flag and new bus stop markings.

14.6.2 Nearby residents, including a wheelchair user, have raised concerns for the loss of the existing footways that cross through the application site. However, the development would retain the existing hard surfaced footway to the west of the application site, which exceeds 2m in width. This would allow for all users to be able to access the shops and services provided across the road without exceptions. Some residents have also raised concerns over the safety of this footway due to its darker condition from the use of fencing for the proposed private gardens. However, this could be resolved through a condition for a lighting scheme. The development would comply with policy SW12 of the Saffron Walden Neighbourhood Plan.

14.6.3 Parking standards require 3 no. parking spaces for dwellings of 4+ bedrooms and 2 no. parking spaces for dwellings of 2-3 bedrooms. The parking arrangements would include 2 no. parking spaces (5.5m x 2.5m) for each unit. Although these dimensions would not be the preferred ones (i.e. 5.5m x 2.9m), they would comply with the minimum bay sizes (i.e. 5m x 2.5m) used in exceptional circumstances due to the sustainable location and the bus stop immediately outside of the site. The development would meet the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009), policy GEN8 of the Local Plan, and policy SW4 of the Saffron Walden Neighbourhood Plan. Appropriate cycle parking would also be provided within covered cycle sheds.

14.7 E) Ecology

14.7.1 The biodiversity questionnaire submitted with the application and the urban location and limited size of the site would not justify consultation with the Ecology officer, as the proposal would not harm any protected and priority species or habitats. The development would accord with

paragraphs 43, 174(d) and 180 of the NPPF, and policies GEN7 and ENV8 of the Local Plan.

14.8 F) Contamination

14.8.1 In terms of contamination, the Environmental Health officer raised **no objections** subject to conditions to protect human health and the environment. The development would accord with policies ENV14, ENV12, ENV13 of the Local Plan, and the NPPF. The conditions refer to potential land contamination and the provision of electric car chargers per unit as promoted by paragraph 107 of the NPPF. Electric vehicle charging points are also required by policy SW4(3) of the Saffron Walden Neighbourhood Plan.

14.9 G) Archaeology

14.9.1 The site is not part or adjacent to any archaeological sites. As such, no harm to any potential archaeological remains is considered. The proposal would comply with policy ENV4 of the Local Plan, and paragraph 192(b) of the NPPF.

14.10 H) Flood risk and drainage

14.10.1 Paragraph 167 of the NPPF states, amongst other things, that development should only be allowed in areas at risk of flooding where, in the light of the site-specific flood-risk assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

14.10.2 The site falls within Flood Zone 1 and footnote 55 in paragraph 167 of the NPPF that requires a site-specific Flood Risk Assessment (FRA) would not apply as the development does not involve a site of 1 hectare or more nor land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. As such, the Essex County Council (as the Lead Local Flood Authority, LLFA) and the Environment Agency have not been consulted for this application. The following images show the extent of flooding from rivers (fluvial flooding) and from surface water (pluvial flooding). The proposal would comply with paragraph 167 of the NPPF, and policy GEN3 of the Local Plan.



14.11 I) Other matters

14.11.1 The National Air Traffic Services (NATS) consultee raised **no objections** unconditionally.

14.12 J) Planning balance

14.12.1 The following public benefits of the scheme are discussed in the next paragraphs:

- Provision of 2 no. units to the 5YHLS – limited weight.
- Economic benefits – limited weight.
- Sustainable energy/water efficiency measures – limited weight.

14.12.2 Although the planning balance under paragraph 11(d) of the NPPF is still engaged due to the Local Plan not being fully up to date, the net contribution of 2 no. units to the 5YHLS would be a rather limited public benefit arising from the development, as it would make little difference to the overall supply of housing in the district.

14.12.3 The proposal would provide a modest contribution towards the wider local economy during and post construction. However, the limited number of units proposed means that the public benefit would also be limited to its extent.

14.12.4 The proposal would also be able to offer energy/water efficiency measures (e.g. air source heat pumps, electric car chargers, etc.); this matter would only attract limited weight given the limited scale of the development.

14.12.5 On the other hand, the adverse impacts of the proposed development include:

- Loss of informal open and green space – limited weight.

14.12.6 The analysis in Section B above showed that the positive contribution of the application site to the character and appearance of the area would be limited due to the small size of the site, the existence of other similar informal open spaces in the vicinity, as well as its proximity to designated open spaces in Saffron Walden within walking distances. The limited

amenity value of the site would afford the conflict with paragraphs 93(a) and 99 of the NPPF limited weight in decision-making.

14.12.7 Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposal would **not** significantly and demonstrably outweigh the benefits. The proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 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.

15.1.2 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.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) 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.

16. CONCLUSION

16.1 The planning balance found that the adverse impacts of the proposed scheme would **not** significantly and demonstrably outweigh the benefits.

16.2 The proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

16.3 It is therefore recommended that the application be approved subject to conditions.

17. 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 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 Prior to commencement of the development hereby approved, a scheme for the relocation of the bus stop flag and installation of bus stop clearway markings shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within three (3) months of the commencement of the development hereby approved, ensuring no disruption to the bus service provided on the bus stop.

REASON: In the interests of accessibility and sustainable transport, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

4 Prior to any works above slab level, a schedule of the types and colours of the materials (including photographs) to be used in the external finishes shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in full accordance with the approved materials.

REASON: To preserve the character and appearance of the area, and to ensure the development is visually attractive, in accordance with policies S1, GEN2 of the adopted Uttlesford Local Plan (2005), the Essex Design Guide, and the National Planning Policy Framework (2023).

- 5** Prior to any works above slab level, details of all hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in full accordance with the approved details prior to occupation of the development hereby approved.

The landscaping details to be submitted shall include:

- a) proposed finished levels (earthworks to be carried out);
- b) means of enclosure of the land (boundary treatments);
- c) hard surfacing and other hard landscape features and materials;
- d) existing trees, hedges or other soft features to be retained;
- e) details of planting or features, including specifications of species, sizes, planting centres, number and percentage mix;
- f) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
- g) management and maintenance 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 preserve the character and appearance of the area, and to safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies S1, GEN2, GEN4, and the National Planning Policy Framework (2023).

- 6** Prior to any works above slab level, the energy and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, the development hereby approved shall not be occupied until all the approved energy and water efficiency measures have been implemented.

REASON: To ensure the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with the adopted Uttlesford Local Plan Policy GEN2, as well as Uttlesford District Council's Interim Climate Change Planning Policy (2021) and the Uttlesford Climate Change Strategy 2021-2030.

- 7** Prior to occupation of the development hereby approved, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of each access at its junction with the highway shall be 4.5 metres and shall be provided with an appropriate

dropped kerb vehicular crossing of the footway, as shown in the approved drawing (reference number 249 – 01 Rev A second version). Thereafter, the access shall be retained as such at all times unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 8** Prior to occupation of the development hereby approved, the vehicle parking and turning areas indicated on the approved plans shall be provided. Thereafter, the vehicle parking and turning areas shall be retained as such at all times.

REASON: To ensure that appropriate parking and turning is provided in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 9** Prior to occupation of the development hereby approved, a fully wired and connected electric vehicle charging point shall be provided on site for each dwelling. Thereafter, the charging points shall be maintained as such at all times.

REASON: To encourage the use of electric vehicles for better air quality, in accordance with paragraph 107 of the National Planning Policy Framework (2023).

- 10** Prior to occupation of the development hereby approved, appropriate drawings to detail the proposed cycle sheds shall be submitted to and approved in writing by the local planning authority. Thereafter, the cycle sheds shall be implemented in accordance with the approved drawings.

REASON: To improve air quality and support sustainable means of transport, the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 11** If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant/developer shall notify immediately and in writing the Local Planning Authority. Any land contamination identified shall be remediated to the satisfaction of the local planning authority prior to occupation of the

development hereby approved to ensure that the site is made suitable for its end use.

REASON: To ensure the development will not harm human health, the water environment and other receptors, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV14, and the National Planning Policy Framework (2023).

- 12** No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 13** The development hereby permitted shall be provided in accordance with the guidance in Approved Document S 2021 and shall 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 the adopted Uttlesford Local Plan Policy GEN2, and the adopted Supplementary Planning Document 'Accessible Homes and Playspace'.

- 14** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes B to D of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To preserve the character and appearance of the area and to safeguard appropriate levels of amenity spaces, in accordance with the adopted Uttlesford Local Plan Policy GEN2, and the National Planning Policy Framework (2023).

APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS

Your Ref: UTT/23/2119/FUL
Our Ref: 57323
Date: 20th October 2023



Paul Crick
Director for Highways
and Transportation

To: Uttlesford District Council
Assistant Director Planning & Building Control
Council Offices
London Road
SAFFRON WALDEN CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/23/2119/FUL
Applicant Matthew Hoare
Site Location Land Between 39 And 41 Cromwell Road Saffron Walden Essex
Proposal Erection of 2 no. semi-detached dwellings with associated access, parking and landscaping.

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

1. Prior to occupation of the development the vehicular accesses shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of each access at its junction with the highway shall be 4.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway, as shown in principle on DWG 249 – 01 Rev A (second version). **Reason:** to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety
2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. **Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety.
3. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been provided. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. **Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety
4. Prior to commencement of the works, a scheme to be agreed with Development Management department – Essex Highways, for the relocation of the bus stop flag and installation of bus stop clearway markings, to be approved by the local planning authority. **Reason:** In the interests of accessibility and sustainable transport.

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.

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.
- v. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.



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pp. Director for Highways and Transportation
Enquiries to Eirini Spyratou
Email: eirini.spyratou@essex.gov.uk