

**UTT/17/3540/FUL**

(Referred to Committee by Cllr Light and Cllr Morris. Reasons: Impact on elderly and vulnerable residents, over development of the area, significant danger from heavy construction vehicles.)

**PROPOSAL:**       **Proposed dwelling**

**LOCATION:**       **Land To The North Of 35 To 40, Hanover Place, Saffron Walden, CB10 1DG**

**APPLICANT:**     **Mr T White**

**AGENT:**         **Mr Alan Smith**

**EXPIRY DATE:**   **26.01.2018**

**CASE OFFICER:**  **David Gibson**

---

**1.       NOTATION**

1.1       The following apply to the application site:

- The access only is within the Development Limits of Saffron Walden (the main part of the application site is not).
- Within Saffron Walden Conversation Area.
- Within two Archaeological Sites.
- A small area along the site's northeast boundary is within Flood Zones 2 and 3 (the majority of the site is within Flood Zone 1).
- Within a Contaminated Land Historic Land Use Area.
- Adjoining Audley End Park, a Grade I Registered Park & Garden.
- Adjoining a TPO (ref. 2/90/38).

**2.       DESCRIPTION OF SITE**

2.1       The application site is located to the northwest of 35 to 40 and 31 to 34 Hanover Place. It comprises a roughly triangular-shaped plot that is approximately 0.17 hectares in size. The site is relatively level and currently open grassland with no buildings; there are trees and other vegetation and a watercourse along the northeast boundary, Audley End Park's wall along the west boundary and various low fences and gates along the boundaries to the southeast.

2.2       Grade I Registered Park & Garden, Audley End Park directly adjoins the site to the west, Swan Meadow Car Park directly adjoins the site to the northeast and the Hanover Place retirement housing complex directly adjoins the site to the southeast. The adjoining part of the Hanover Place retirement housing complex comprises two two-storey buildings, with pitched roofs and finished in off-white render. There is also a bowling green. There are a number of windows at ground- and first-floor level that face directly into either the main site or the area of the site proposed for access.

- 2.3 The part of the site proposed for the access route is a thin strip of land that runs between the gate to the main site, and Abbey Lane, via Hanover Place, and passes through a gap between two existing walls. Abbey Lane is an unclassified road and Hanover Place is a private road serving the retirement housing complex. It is understood that a part of the area proposed for the access route is a piece of communal garden land belonging to Hanover Place retirement housing complex.

### **3. PROPOSAL**

- 3.1 The applicant seeks full planning permission for the erection of a single dwelling. This follows the refusal of an outline scheme (UTT/16/1596/OP). It comprises on the ground floor a study, utility room, cloakroom, kitchen, dining area and living room and a further reception room/bedroom, and 3 bedrooms and bathrooms above.
- 3.2 The section of the building that is parallel to the northern side of 35-40 Hanover Place is set 8 metres away from the common boundary, and is single storey with a carport at its western end. There is one window only in the ground floor that serves a cloakroom, so it will be obscure glazed. There is also one roof light to the utility room, but this is set high, at well over 1.7 metres, so is above eye level.
- 3.3 The eastern wing of the building steps up to 1 ½ storey and on the first floor the bedroom is set within the eaves and lit by roof lights facing towards Audley End Park.
- 3.4 The northern wing is 2 storeys, with first floor rooms partially within the roof. It has its main openings in the three elevations facing away from Hanover Place, and only one en suite bathroom window, and a stairwell roof light in the southern first floor elevation. The bathroom opening will be obscure glazed and the stairwell roof light is well above eye line at 1.7 metres. Furthermore, the roof of the single storey element will act as an intervening structure blocking any views across to Hanover Place. The lines of sight are shown on the submitted drawings.
- 3.5 The materials to be used are a red brick plinth, above which is painted timber boarding, smooth render and Cedar shakes. The roof will be clad in natural slate roof.

### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 The development is not EIA development

### **5. APPLICANT'S CASE**

- 5.1 The applicant has submitted a Planning Statement, a Flood Risk Assessment, a Tree Survey, an Extended Phase 1 Habitat Survey (Preliminary Ecological Assessment) and a Biodiversity Questionnaire, as well as a number of plans.

### **6. RELEVANT SITE HISTORY**

- 6.1 Planning permission was refused in 2016 for an outline application for a single dwelling (UTT/16/1596).
- 6.2 Planning permission was granted in 2001 for the erection of four two-bedroom

sheltered bungalows (UTT/1380/00/FUL). A further planning permission was granted later in the same year for a similar scheme with an amended layout (UTT/0270/01/FUL). These consents were not implemented.

## **7. POLICIES**

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

- 7.1
- Policy S1 – Development Limits for the Main Urban Areas
  - Policy S7 – The Countryside
  - Policy GEN1 – Access
  - Policy GEN2 – Design
  - Policy GEN3 – Flood Protection
  - Policy GEN7 – Nature Conservation
  - Policy GEN8 – Vehicle Parking Standards
  - Policy ENV1 – Design of Development within Conservation Areas
  - Policy ENV3 – Open Spaces and Trees
  - Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
  - Policy ENV9 – Historic Landscapes
  - Policy ENV14 – Contaminated Land
  - Policy H4 – Backland Development
  - Policy H10 – Housing Mix

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

- 7.2
- Essex Design Guide (2005)
  - The Essex County Council Parking Standards Design and Good Practice (September 2009)
  - Uttlesford Local Residential Parking Standards (February 2013)
  - Accessible Homes and Playspace SPD (November 2005)

### **National Policies**

- 7.3
- National Planning Policy Framework

## **8. TOWN / PARISH COUNCIL COMMENTS**

- 8.1
- The development is not economically, socially or environmentally sustainable.
  - The application site lies outside of the development limits for Saffron Walden.
  - Access to the site along Abbey Lane would harm pedestrian safety, as Abbey Lane is narrow with little or no pavement.
  - It is unclear whether the applicant has the right to use the garden area proposed for access.
  - The proposed building would be overbearing on 35 to 40 Hanover Place and would result in loss of privacy and daylight.
  - The proposed development would increase the risk of flooding.
  - Construction would disturb nearby residents.
  - The garden area that would be used as access route would no longer be available for communal use by the residents of Hanover Place.
  - The proposed access route would result in vehicular traffic passing within

- close proximity of residential properties, resulting in disturbance.
- The development of the site would have a negative impact on wildlife.

## **9. CONSULTATIONS**

### **Essex County Council – Ecology**

9.1 No objections

### **Essex County Council – Highways**

9.2 No objections subject to conditions

### **Essex County Council – Archaeology**

9.3 The application site lies within a sensitive area on the western side of Saffron Walden (EHER 408) and archaeological evaluation undertaken in the immediate vicinity has identified surviving medieval deposits (EHER 46245), as well as Roman and prehistoric deposits. Any deposits on site would need to be recorded prior to preliminary groundworks or development. As such, a condition requiring the approval and implementation of a scheme of investigation has been recommended.

### **UDC – Environmental Health**

9.4 No objections received

### **UDC – Conservation Officer**

9.5 No objections to the development

## **10. REPRESENTATIONS**

10.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. 25 letters have been received from neighbouring residents. The following concerns have been raised in the submitted representations:

- Concerns over access rights
- Proposed access would lead to the loss of a communal garden area
- Noise and disturbance due to traffic driving past existing windows at Hanover Place
- The access route into the site, between a wall belonging to Hanover Place and a wall belonging to Audley End, is very narrow, meaning that it would be very difficult for heavy goods vehicles to enter and exit the site.
- The development of the application site could lead to flooding.
- Concerns over noise and disturbance during construction from heavy good vehicles
- Noise that would be created during construction would disturb the residents of Hanover Place.
- The residents of Hanover Place would also be disturbed by noise created by future occupants due to increased number of car trips passed windows.
- The proposal would lead to overlooking and a loss of privacy for the

residents of Hanover Place; it would also affect their outlook.

- The proposal would lead to parking disputes between the residents of Hanover Place and the future occupants of the proposed development, due to a reduction in the level of car parking available for Hanover Place residents.
- The access route would require a new section of road that would have implications for storm drains and surface water, with a potential adverse impact for Hanover Place's surface water system.
- The property is too large
- It will cause disturbance to mostly older people who will have peace and quiet in their final years destroyed

10.2 The period for neighbours to make representations expired on 12/01/2018. The site notice expired on 09/01/2018 and press advert expired on 04/01/2018.

## 11. APPRAISAL

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

- A Whether the principle of the proposal outside of development limits is acceptable (ULP Policies S7, H4 and H10).
- B Whether access to the proposed development would be acceptable (ULP Policies GEN1 and H4)
- C Whether the proposal would provide adequate levels of on-site car parking (ULP Policy GEN8)
- D Whether the proposed development would be of an appropriate design (ULP Policy GEN2).
- E Whether the proposal would adversely affect amenity values of neighbouring residents (ULP Policies GEN2 and H4)
- F Whether the proposal would have an acceptable impact on heritage assets (ULP Policies ENV1, ENV4 and ENV9).
- G Whether the proposal is acceptable in terms of flood risk (ULP Policy GEN3)
- H Whether the proposal would have an acceptable impact on wildlife (ULP Policy GEN7)
- I Whether the proposal would have an acceptable impact on trees (ULP Policy ENV3)
- J Whether the proposal necessitates mitigation in respect of potentially contaminated land (ULP Policy ENV14)

### **A Whether the principle of the proposal outside of development limits is acceptable (ULP Policies S7, H4 and H10).**

- 11.1 The area proposed for access is located within Saffron Walden's Development Limits and ULP Policy S1 would apply to the development of this land. It is considered that, in principle, the proposal would comply with Policy S1. However, the main part of the site, including the area on which the proposed dwelling house would be located, is outside of any Development Limits. Therefore, ULP Policy S7 also applies and is more relevant.
- 11.2 ULP Policy S7 states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to the rural area, with development only being permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development

in the form proposed needs to be there.

- 11.3 However, it is also recognised that the planning policy context has changed. In particular, the NPPF sets out applicable national planning policy in relation to sustainable development and housing in rural areas; it has been found that Local Plan Policy S7 is only partly consistent with the NPPF, due to its protective approach. Paragraph 17 of the NPPF, alongside recognising the intrinsic character and beauty of the countryside, supports thriving rural communities. Paragraph 55 of the NPPF sets out that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.'
- 11.4 In this instance it is noted that the main part of the application site is located on the edge of Saffron Walden, adjoining the town's Development Limits and existing development at Hanover Place. Whilst the proposal would fail to comply with ULP Policy S7 insofar as the site's location outside of any Development Limits is concerned, it would be located sustainably – indeed, it is in close proximity to and would support Saffron Walden's Town Centre. On the sides where it would not adjoin Saffron Walden's Development Limits, it would also be physically and visually contained by the boundary wall of Audley End Park and the vegetation and watercourse along the shared boundary with Swan Meadow Car Park. This means that the development of the site would not lead to encroachment into open countryside and there is limited scope for harm to the intrinsic character and beauty of the countryside. The very limited amount of harm to the intrinsic character and beauty of the countryside that would occur as a result of the development through the loss of an area of open grassland on the edge of Saffron Walden's Development Limits would be outweighed by the site contributing to housing supply.
- 11.5 The site's planning history includes two relatively recent consents for four two-bedroom sheltered bungalows in 2001. It is noted that, previously, it was considered that the development of the site was only justified due to the affordable tenure of the proposed housing. However, it is noted that the policy context has changed dramatically since this time due to the adoption of the current 2005 Local Plan and, even more significantly, the publication of the NPPF.
- 11.6 ULP Policy H4 defines backland development as the development of a site without a road frontage, such as the application site. Policy H4 sets out four criteria that must all be satisfied before a proposal for backland development can be permitted. The first criterion is that there must be significant under-use of the land and that development would make more effective use of it. It is considered that the application site is currently underused and, given its sustainable location, that it would be put to better use as a site for a new dwelling house. The other three criteria are considered below in relation to access and impact on the amenity values of neighbouring residents.

**B Whether access to the proposed development would be acceptable (ULP Policies GEN1 and H4)**

- 11.1 Local Plan Policy GEN1 sets out requirements for access to new development and generally states that the surrounding transport network should not be overburdened and that road safety should not be unduly affected, taking into account the needs of those using forms of transport other than motorised vehicles. Local Plan Policy H4

states that backland development will only be acceptable where access would not cause disturbance to nearby properties.

- 11.2 The first reason for refusal for planning application UTT/16/1596/OP cited the access, layout and scale as having an undue impact on the amenity of neighbouring residents, causing material disturbance, loss of privacy and an overbearing impact, contrary to Uttlesford Local Plan (2005) Policies GEN2 and H4. The second reason for refusal cited the increased use of Abbey Lane by vehicular traffic resulting in highway and pedestrian dangers.
- 11.3 A number of concerns in relation to access have again been raised by residents and the Town Council. It has been claimed that the proposed access route is narrow and that there is little or no pavement in places, meaning that its proposed use would harm pedestrian safety; it has also been stated that the access route, due to its proximity to existing residential windows, would result in disturbance and loss of privacy.
- 11.4 Once the dwelling is occupied the vehicular movements associated with one single dwelling would be marginal. Previously 4no. bungalows were approved on the site but this development was never implemented. This proposal for just one dwelling would have a proportionate reduction in traffic movements. The turning space is well away from the boundary; as is the car parking that is also under a covered area attached at the end of the dwelling close to the western boundary.
- 11.5 As stated in the previous Committee report, the proposal is for one dwelling house, which would give rise to only a very small amount of additional traffic along existing roads, which are already used for access by residential properties. Second, the new section of the proposed access route, between the site's existing gate and Hanover Place, would effectively be a residential drive serving a single dwelling house. Although it would be relatively narrow, the access route's width would be similar to that of the existing gate, and would exceed the 2.4 metre minimum width for shared private drives set out in the Essex Design Guide (2005). Third, the relationship of the new section of the proposed access route to existing residential windows would be similar to the existing relationship between the Hanover Place access route and other residential windows within the Hanover Place buildings.
- 11.6 This proposal effectively is the same as the refused scheme in terms of access and parking. With regard to access for fire tenders, the house is within 45 metres of the Hanover Place hammerhead and therefore a sprinkler system should not be required, but this will be dealt with under the current Building Regulations. In respect of the bins, space is shown on site for their storage at the back of the car parking space, with some screen planting around it, including space for re-cycling. On bin collection day they would be wheeled out to the mouth of the entrance drive for collection.
- 11.7 It is also noted that the Highway Authority and Environmental Health have both not raised any objections.
- 11.8 Local Plan Policy GEN1 also requires that new developments encourage movement by means other than driving a car. Given the site's location on the edge of Saffron Walden, within easy walking distance of the town centre, it is noted that the site is clearly well located and sustainable in this respect.

**C Whether the proposal would provide adequate levels of on-site car parking**

**(ULP Policy GEN8)**

- 11.9 Local Plan Policy GEN8 only supports development that would provide for vehicle parking places that are appropriate for the location in terms of number, design and layout. The Essex County Council Parking Standards Design and Good Practice (September 2009) and the Uttlesford Local Residential Parking Standards (February 2013) have both been adopted by the Council to provide further guidance.
- 11.10 It is noted that neighbouring residents have expressed concerns in relation to car parking. The proposed plans show acceptable levels of car parking to be provided for a 4 bedroom property (3 spaces). The proposals therefore comply with the adopted ECC design guidance, preventing additional pressure on on-street car parking.
- 11.11 It is also noted that residents have claimed that the proposed access route would lead to the loss of existing car parking spaces for the Hanover Place retirement housing complex. However, it is not considered that this would be the case. Whilst the proposed access route may pass over an area of the Hanover Place private road that is used for informal car parking, it did not appear that there were any formal, marked parking bays in this area. Moreover, as discussed above, the applicant has asserted that they have the right to access their site using this route – this is a civil matter and should be resolved outside of the planning process.

**D Whether the proposed development would be of an appropriate design (ULP Policy GEN2).**

- 11.12 Local Plan Policy GEN2 sets out general design criteria for new development and in particular requires that development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. The Essex Design Guide (2005) supplements this policy and Paragraph 64 of the NPPF complements it by resisting poor design.
- 11.13 In terms of design, layout and scale, the proposal is considered acceptable. The proposed dwelling house would respect the character of the surrounding area, which is characterised by vegetation and open space and low-rise development. The scheme has been well designed and would assimilate well with the surrounding area. It would not lead to an incongruous feature and will appear as a natural extension of the built form. The high quality design and use of complimentary materials would ensure a satisfactory form of development.
- 11.14 In relation to garden space, it is noted that the proposed layout allows for the provision of a private garden well in excess of the 100sqm standard set out in The Essex Design Guide (2005) for dwelling houses with three or more bedrooms. This is without reliance on any part of the site that is located within Flood Zones 2 or 3.

**E Whether the proposal would adversely affect amenity values of neighbouring residents (ULP Policies GEN2 and H4)**

- 11.15 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. Policy H4 requires that backland development does not result in the material overlooking or overshadowing of or have an overbearing effect on neighbouring properties.



- 11.16 As stated above, the first reason for refusal cited the access, layout and scale as having an undue impact on the amenity of neighbouring residents, causing material disturbance, loss of privacy and an overbearing impact, contrary to Uttlesford Local Plan (2005) Policies GEN2 and H4.
- 11.17 In terms of footprint and scale, the proposal has been materially altered from the refused scheme. The entire building has been moved a further 4 metres away from the southern boundary with Hanover Place, providing a gap of 14.05 metres instead of 10-10.5 metres previously. The footprint has been reduced from 171 square metres to 152 square metres. Furthermore, the height of the single storey element closest to Hanover Place has been reduced in height by approximately 200 mm. The general shape of the footprint of the dwelling, being 'Z' shaped remains, as does the positioning of the single storey, 1 ½ storey and 2 storey elements. Furthermore, the supporting statement and the submitted drawings indicate that the gap between the proposed dwelling and Hanover Place would be heavily planted to increase the feeling of separation and soften any visual impact of the proposed dwelling.
- 11.18 In terms of loss of privacy, there are no windows other than a ground floor cloakroom window in the facing side elevation. The submitted plans show that there are no other first floor windows in the southern elevation of any parts of the structure, other than a bathroom in the two storey element, the view from which would be obscured by the single storey element, and a roof light to a landing that will be above eye level. In any event the single storey element prevents any views from these windows to Hanover Place.
- 11.19 With regard to the objections raised to construction noise that would emanate, this is a common cause of concern for neighbouring residents when applications are submitted. It is accepted that all development causes some level of noise and disturbance. This is enforced under environmental legislation regulated by the relevant Council department, not the planning department. Conditions can be applied restricting hours and days of work during the construction period. It is considered that this would keep noise and disturbance to a minimum.
- 11.20 In respect of disturbance once the dwelling is occupied, the vehicular movements associated with one dwelling would be marginal. Previously 4 bungalows were approved on the site, the Council deeming that to be acceptable in amenity respects. This proposal for just one dwelling would have a proportionate reduction in traffic movements. The turning space is well away from the boundary; as is the car parking that is also under a covered area attached at the end of the dwelling close to the western boundary. The cars would travel past the end of 35 to 40 Hanover Place to obtain access, but there will be a gap of over 3.5 metres, and it is an existing access, albeit infrequently used. This level of noise and disturbance is not over and above what would normally be expected at a residential property.

**F Whether the proposal would have an acceptable impact on heritage assets (ULP Policies ENV1, ENV4 and ENV9).**

- 11.21 One of the reasons for refusal in the previous application was that fact that it was in outline with appearance and landscaping reserved. Therefore, it was argued, it was not possible to adequately assess whether the proposed development would preserve or enhance the character and appearance of the essential features of the Conservation Area.
- 11.22 The application site is within Saffron Walden Conservation Area and the site's

boundary wall with Audley End Park, which may be within the curtilage of Grade I listed Audley End House, is identified in the Council's Saffron Walden Conservation Area Appraisal and Management Proposals (2012) as an important feature – albeit one that is in need of repair. ULP Policy ENV1 states that the design of development within conservation areas should preserve or enhance the character of the essential features of the conservation area. It states that outline applications will not normally be considered.

- 11.23 As mentioned above, the site adjoins Audley End Park, which is a Grade I Registered Park & Garden. Policy ENV9 states that proposals that would harm the historic parks and gardens will not normally be permitted.
- 11.24 The application site is also located within an area that is archaeologically sensitive, due to the previous discovery of medieval, Roman and prehistoric deposits. Local Plan Policy ENV4 has a presumption in favour of the physical preservation of archaeological remains in situ. ECC's Senior Historic Environment Advisor has recommended that consent could be granted for the development subject to a condition requiring the approval and implementation of a scheme of investigation.
- 11.25 Paragraph 134 of the NPPF requires that where a development proposal would result in less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 11.26 The application site is in a backland location with no frontage to the public highway. The proposed house would be well screened on all sides by existing walls, vegetation and buildings, with very limited views available along Abbey Lane and Hannover Place. The existing area of open grassland is not considered important to the character or appearance of the Conservation Area in the recent Appraisal and its loss would not cause any material harm. The shared boundary wall with Audley End Park is considered important, but it is noted that the proposed layout of the development would ensure that the house is located so as to prevent harm to the wall and allow for its maintenance.
- 11.27 The proposed development is screened from Audley End Park by mature vegetation and the shared boundary wall; as noted above, it would be located far enough away from this wall to prevent any harm and allow for its maintenance. As such, it is considered that there would be no material harm to the Registered Park & Garden.
- 11.28 As stated above, the design and materials to be used are considered acceptable and the proposal could create a very attractive dwelling that would complement the site and the wider area. Therefore, it is considered that the proposal would preserve the appearance of the Conservation Area and would not have a detrimental impact on the heritage assets.

**G Whether the proposal is acceptable in terms of flood risk (ULP Policy GEN3)**

- 11.29 A very small part of application site, along its boundary with The Slade River, is located within Flood Zones 2 and 3. The proposal does not include any development within Flood Zones 2 and 3.
- 11.30 ULP Policy GEN3 states that development will not be permitted in the functional floodplain and that new residential development will not generally be permitted within areas of the floodplain beyond settlement boundaries. There is also a requirement that there is no increase of flood risk through surface water run-off.

The NPPF requires that the Sequential Test should be applied to steer new development to areas with the lowest probability of flooding, and that development is not permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

- 11.31 Given that the proposal does not include any development within Flood Zones 2 and 3, it is considered that it is not necessary to apply the Sequential Test. Indeed, all parts of the site that would be developed for the dwelling house are within Flood Zone 1 and are therefore sequentially preferable.
- 11.32 In any case, the applicant has submitted a Flood Risk Assessment in support of their application. This demonstrates that the part of the site proposed for development is not at significant risk from flooding and that the proposed dwelling house, which would have a higher finished floor level than the existing site level, would also be a little risk from flooding.

**H Whether the proposal would have an acceptable impact on wildlife (ULP Policy GEN7)**

- 11.33 Local Plan Policy GEN7 does not permit development that would have a harmful effect on wildlife.
- 11.34 The applicant has submitted an Extended Phase 1 Habitat Survey (Preliminary Ecological Assessment) in support of the application. This concludes that there is limited scope for a harmful effect on wildlife, subject to some mitigation measures. Although some of these measures relating to environmental enhancements could be secured when landscape issues are assessed at the reserved matters stage, it is recommended that these measures are secured via a condition in the event consent is granted. Alongside such a condition, there should also be a specific condition requiring the submission and approval of a lighting scheme prior to the commencement of development, in order to ensure that any lighting is bat-friendly.
- 11.35 ECC's Ecology Consultant has confirmed that there is no objection to scheme.

**I Whether the proposal would have an acceptable impact on trees (ULP Policy ENV3)**

- 11.36 ULP Policy ENV3 seeks to restrict development proposals that would lead to the loss of groups of trees and fine individual tree specimens.
- 11.37 The applicant has submitted a Tree Survey and the Council's Landscape Officer has confirmed that the development would not have an impact on trees, including TPO trees. The Tree Survey, however, recommends a number of mitigation measures, including protective fencing and that certain works and activities only take place outside of route protection areas. It is recommended that these measures are secured via a condition in the event consent is granted.

**J Whether the proposal necessitates mitigation in respect of potentially contaminated land (ULP Policy ENV14)**

- 11.38 ULP Policy ENV14 requires mitigation where a site is known or strongly suspected to be contaminated, and this is causing or may cause significant harm or pollution. UDC Environmental Health has confirmed that, although the site is approximately 75 metres from the sewage treatment works at Audley End Estate, and it is

possible that odours could affect future residents, there is no risk of ground contamination hazardous to human health on the site. As such, it is considered that the proposal would comply with Policy ENV14 without any need for mitigation.

## **12. CONCLUSION**

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

- A The principle of the development is deemed to be acceptable, in that it would provide new housing in a sustainable location in accordance with the National Planning Policy Framework and have limited conflict with ULP Policy S7.
- B The proposed access to the development would be acceptable and accord with ULP Policies GEN1 and H4.
- C On-site car parking would be acceptable and accord with ULP Policy GEN8, subject to a condition.
- D The design of the development would be acceptable and accord with ULP Policy GEN2
- E The proposed development would have an acceptable impact on the amenity values of neighbouring residents and accord with ULP Policy GEN2 and H4,
- F The proposal would have an acceptable impact on heritage assets and accord with ULP Policies ENV1, ENV4 and ENV9.
- G The proposal would be acceptable in terms of flood risk, and accord with ULP GEN3
- H The proposal would have an acceptable impact on wildlife and accord with ULP Policy GEN7, subject to conditions.
- I The proposal would have an acceptable impact on trees and accord with ULP Policy ENV3, subject to a condition.
- J The proposal would not require mitigation in respect on contaminated land and would accord with ULP Policy ENV14.

### **RECOMMENDATION – Approve 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. The Cycle / Powered Two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle / powered two wheeler parking is provided in the interest of highway safety and amenity

3. All ecological measures and/or works shall be carried out in accordance with the details contained Extended Phase 1 Survey, T4 Ecology Ltd, May 2017 section 5.2 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: In the interests of conserving biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

4. The dwelling hereby permitted must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

5. No development or preliminary groundworks of any kind shall take place until the has been secured implementation of a programme of archaeological trial trenching and excavation in accordance with a written scheme of investigation that has been submitted by the applicant, and approved by the local planning authority. Thereafter the development implemented in accordance and re-approved details.

REASON: To investigate and record archaeological deposits in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

6. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the protection of wildlife and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

7. The development hereby permitted shall be carried out in accordance with the measures set out on Page 5 of Tree Survey Abbey Lane Saffron Walden Dated April 2016 prepared by Trees in Planning Ltd (received 03/06/2016), unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of the protection of trees and in accordance with Policy ENV3 of the Uttlesford Local Plan (adopted 2005).

8. Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-
  - i. proposed finished levels or contours;
  - ii. means of enclosure;
  - iii. car parking layouts;
  - iv. other vehicle and pedestrian access and circulation areas;
  - v. hard surfacing materials;
  - vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);

vii. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant.

viii. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

9. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

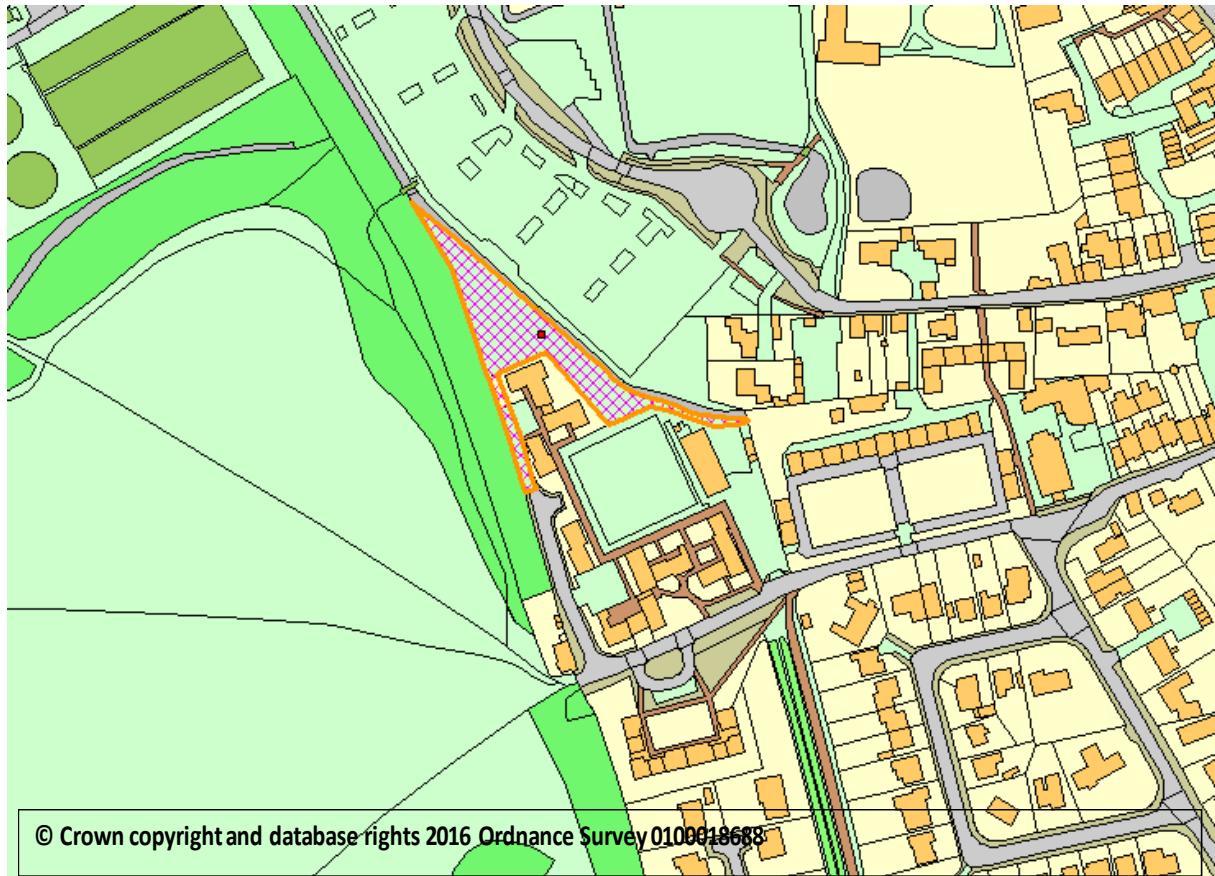
REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 10 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/17/3540/FUL

Address: Land To The North Of 35 To 40, Hanover Place, Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 23 July 2018