

LAND WEST OF THAXTED ROAD, SAFFRON WALDEN LAND AT THAXTED ROAD - OPEN SPACE REQUIREMENTS

1 Context

- 1.1 We understand that the Application Site is not an allocated site within the District Council's Local Plan (2005) but falls within the countryside. The relevant policy of the Local Plan for this application is S7, which relates to the Countryside:

The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. Development will only be 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.

- 1.2 As such there is no allocation for the application site (and no allocation policy requiring Public Open Space provision to support POS compliance on another site). The Council entered into a S106 obligation requiring a £220,000 contribution for POS in respect of the Land on the South Side of Radwinter Road scheme (reference UTT/13/3467/OP, **SoRR**, granted in [2015], **POS Contribution**). The Council chose to limit the purposes for which the POS Contribution could be spent to the delivery of facilities on the 'Neighbouring Land' which was defined as "... the land included in planning application UTT/13/2060/OP" (**2013 Application**). The 2013 Application was for a comprehensive development on either side of Thaxted Road, the western part of which included various community facilities. This western area includes the current Application Site.
- 1.3 The Council tied the POS Contribution to this purpose in the S106 agreement for the SoRR by the agreement entered into on 21 May 2015, having already refused permission for the 2013 Application scheme. On 2 June 2015, the 2013 Application scheme was rejected on appeal.
- 1.4 The fact that the District Council is now unable to spend the POS Contribution on the Neighbouring Land is therefore a function of its decision to (a) refuse permission for the scheme of development proposed by the 2013 Application and (b) tie the contribution to this purpose.
- 1.5 The land to the east of Thaxted Road (which formed part of the 2013 Application) has come forward separately and is subject to a requirement for provision of POS on site, including the requirement to transfer some 'Public Open Space Land' to the Town Council and maintain the land for two years (and if the Town Council chose to accept the transfer, pay the 'Public Open Space Contribution' of £76,681 to the Town Council). If the Town Council chose not to accept the transfer, a management company needs to be set up to maintain the Public Open Space. The east of Thaxted Road site therefore 'washed its own face' in POS terms and the quantum of POS land to be provided on the Application

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Site as part of the current application will be policy compliant in terms of the provision of POS in the same way.

- 1.6 Refusal of permission for the current Application would not change the limited purposes for which the Council is able to spend the POS Contribution from the SSoRR scheme. Nor would it make realistic the standalone delivery of the community facilities originally proposed in the 2013 Application on the current application site.
- 1.7 The suggestion in the Town Council's representation of 7 February 2023 that the Application Site 'must be' safeguarded to deliver the kind of development envisaged by the 2013 Application is therefore misconceived. There is no policy requirement to justify this. It is wholly unrealistic in commercial terms and reflects assumptions and practices in relation to a previous and unrelated planning application.

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