



PLANNING DESIGN & ACCESS STATEMENT ADDENDUM

Site: Land West of Thaxted Road
Saffron Walden
Essex

For: Chase New Homes

Project Ref: 23060_PDASA

Date: July 2024

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1.0 **Introduction**

1.1 Chase New Homes submitted a reserved matters application for 168 dwellings with associated landscaping and parking, alongside the discharge of Conditions 24 and 27 of s62A/2022/0014 in November 2023.

1.2 There was a lack of any correspondence from the case officer and following a review of the consultation responses amendments were submitted in February 2024 to overcome those comments. Some further minor changes were then made in March 2024, again with no input from the case officer.

1.3 By mid-April 2024, we were notified (by an out-of-office message) that the case officer no longer worked for the Authority. After the matter was escalated, we were appointed a new case officer.

1.4 The new case officer advised that he would endeavour to get the application to the early May 2024 planning committee. This never happened.

1.5 Eventually the application was reported to the late May Planning Committee, with a recommendation of approval (**Appendix 1**).

1.6 The Friday before Planning Committee (24 May 2024) comments were received from the Council's Environmental Health Officer (**Appendix 2**) objecting to the application on the basis of noise. The Local Planning Authority were immediately notified that noise matters were dealt with at outline application stage and conditioned accordingly.

1.7 With no further discussion the Local Planning Authority deferred the application from the May Planning Committee, advising Councillors that noise matters related to layout and therefore had to be addressed.

- 1.8 The Applicant obtained legal advice to provide comfort to the Authority that noise was not a reserved matter, given the constraints of the outline permission (**Appendix 3**).
- 1.9 The Environmental Health Officer provided a response to this advice on the 14 June 2024 (**Appendix 4**) and Officers opted to report the application to the June 2024 Planning Committee with a recommendation of refusal based on a lack of information pertaining to noise (**Appendix 5**).
- 1.10 Prior to the Committee meeting, further information was provided by the Applicant in respect of noise matters (**Appendix 6**).
- 1.11 Councillors debated the application during Planning Committee and opted to refuse the application based on noise, parking and footpath/cycleway access into the site. At the time of writing the Council has yet to issue a decision notice.

2.0 Response to Key Matters

- 2.1 The Planning, Design and Access Statements deal with the overarching approach to the site.
- 2.2 There has been a minor change to the site layout from that envisaged at the outline application stage. The Design Code makes reference to the 2 street 'types' in the formation of the spine road passing through the development. The Primary Upper Street, being referred to as a Type E Access Road, with the Primary Lower Street being referred to as a Type D Feeder Road.
- 2.3 Initially the access off Thaxted Road is noted as a Type E Access Road, increasing in scale to a Type D Feeder Road further into the development. This is counter-intuitive and therefore, given the number of dwellings proposed, a Type E Access Road is most appropriate to continue through the entire development, with footways or service margins provided as required to adequately serve the development, its residents and visitors.
- 2.4 The scheme proposes no linkages to future or existing development and therefore a Feeder Road, with or without a bus service, is not applicable.
- 2.5 No objections have been raised by Essex Highways on the basis of this amendment, as it accords with their street hierarchy standards.

Noise

- 2.6 At outline application stage, the application was supported by a noise assessment that considered both the road and skate park noise (**Appendix 7**). At that time the Council's EHO raised no objection subject to the imposition of a condition (**Appendix 8**). This became Condition 9 of outline permission.

- 2.7 The outline permission was further constrained by a series of parameter plans, within which the proposed reserved matters layout is in general accordance. Such that there is no requirement for noise matters to be re-visited as part of the reserved matters application, as advised by Counsel.
- 2.8 Similarly, there has been no change in circumstances since the grant of the outline planning permission that would warrant this matter being a new issue.
- 2.9 In the EHO's recent response, the case of *Ornua Ingredients Ltd, R (On the Application Of) v Herefordshire Council [2018] EWHC 2239 (Admin) (22 August 2018)* (**Appendix 9**) was cited as justification for a new noise assessment, however without fully understanding the nuances of the case. Noise was considered at the outline application stage, but in that case the Inspector considered the baseline assessment to exclude some of the potential noise generators, but did not consider that associated noise would preclude development (Judgement para 7). A condition was therefore imposed requiring a scheme of noise mitigation to be submitted. Given the findings at the outline stage, it was entirely reasonable for the decision maker to seek a report to demonstrate that any noise mitigation measures would result in a suitable noise environment for the proposed layout.
- 2.10 This differs from the position in this case, the noise matters were satisfactorily addressed at outline stage and the mitigation strategy secured by Condition 9. No additional information was required to be submitted.
- 2.11 Further it is important to note that the EHO has sought to re-assess information submitted with the outline application and not information submitted with the reserved matters application.

- 2.12 Following a recent Freedom of Information request, the Council have no records of any noise complaints in respect of the adjacent skate park, anecdotal evidence suggests noise complaints were made when the skate park was first constructed but nothing since, therefore there have been no complaints for the last 17 years.
- 2.13 In order to inform this submission a noise assessment has been carried out to demonstrate that the skate park does not have any noise impact on the application site (**Appendix 6**), the conclusions show that birdsong is louder on the site than the skate park!
- 2.14 The decision on the earlier submission is considered to have been unreasonably withheld on the basis of a matter that should not preclude the positive determination of this reserved matters application, especially when applying the principles set out in *Thirkell v Secretary of State [1978] JPL 844*.

Parking

- 2.15 In determining the earlier application, the members of the Planning Committee, considered the parking provision on site to be inadequate and that it failed to comply with the Uttlesford Parking Standards.
- 2.16 Condition 6 of the outline permission states:
"The development hereby approved shall be constructed in accordance with the details as set out within the 'Design Code' Rev A (February 2023) prepared by Keir unless otherwise agreed in writing by the Local Planning Authority."
- 2.17 Paragraph 4.4 (page 030) of the Design Code (**Appendix 10**) requires that parking should comply with the appropriate requirements from Essex County Council at the time of the submission of reserved matters. There is no reference to require compliance with the Uttlesford Parking Standards.

3.0 **Conclusions**

- 3.1 The proposed reserved matters application follows the same principles of that submitted to the Local Planning Authority for consideration. The same scheme that in May 2024 Officers recommended for approval.
- 3.2 The scheme submitted accords with the parameters set out in the outline planning permission and delivers 168 high quality homes in an attractive well-landscaped environment.
- 3.3 Whilst the Local Planning Authority recommended refusal of the application on the basis of insufficient information pertaining to noise, it has been demonstrated that noise was a matter dealt with at outline stage and even if it were reconsidered at reserved matters stage, is not an issue that should prevent the grant of reserved matters consent.
- 3.4 The proposal similarly provides parking provision in accordance with the Essex Parking Standards, as required by the Design Code.
- 3.5 The scheme delivers 168 much needed dwellings within Uttlesford, a District that is unable to demonstrate a 5year Housing Land Supply and is subject to the presumption in favour of development as a result of their Housing Delivery Test results.
- 3.6 The scheme proposed has had careful regard to the Design Code generally and the conditioned parameter plans, such that we would request that reserved matters consent be forthcoming as soon as possible to enable the housing to be delivered.