

5 August 2024

The Planning Inspectorate  
3M Kite  
Temple Quay  
Bristol  
BS1 6PN

BY EMAIL ONLY

Dear Sir/Madam,

**Section 62A Planning Application: S62A/2024/0049 Land South of Bedwell Road, Elsenham**

1. Further to Uttlesford District Council's (the Council) response of 25<sup>th</sup> July to the above application. When the Inspector considers the Council's response, it is necessary to highlight some gross errors in how the application was reported to the planning committee meeting of 24<sup>th</sup> July. These gross errors relate to the following matters:

- The Appeal Inspector's position on the appeal scheme;
- The clustering of the affordable housing; and
- The common ground agreed with the Council with regards to the acceptability of three-storey development on the site.

1.1. These matters are discussed in the following sections of this letter. The recording of the committee meeting can be viewed on the Council's YouTube page. This recording supports the arguments in this letter that members were seriously misled by their officers. Where there are references to comments made in the committee meeting the minute in the recording when these comments were made is provided in brackets.

**The Appeal Inspector's position on the appeal scheme**

1.2. Paragraph 13.4.15 of the Committee Report for the July meeting states:

*"The Inspector stated that he had concerns that the affordable housing would be located within the 3 storey apartment block which is the noisiest part of the site. They went on to state that the layout and appearance of the proposal was not fixed (in the outline consent) and it could be subject to change within a Reserved Matters application. There is no change in the location of the affordable housing within this proposal and in general there is no deviation away from any aspects of the proposed development considered at the outline stage."* (emphasis added)

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- 1.3. This statement is simply untrue and is grossly misleading. Paragraph 30 of the Appeal Decision<sup>1</sup> confirms that it was not the Appeal Inspector who had these concerns. The 'concerns' were in fact raised by the Council and not the Appeal Inspector.

*"Concerns have been raised that the affordable housing units would be positioned within the 3 storey flats and would therefore be located within the noisiest part of the site, and that future occupants of the affordable housing would have less choice of accommodation than those seeking market housing. Whilst I note that this was a concern expressed by the Inspector in the land north of Bedwell Road decision, the appeal scheme is materially different to the circumstances in that case. Furthermore, as the layout and appearance of the scheme is not yet finalised, the location of the affordable housing units is not yet fixed and may be subject to change."* (emphasis added)

- 1.4. The Appeal Inspector confirmed that the indicative layout and the conditions agreed between the main parties would be capable of providing acceptable living conditions for potential future occupiers across the entirety of the site. As such, the proposed development would accord with policies ENV10 and GEN2 of the Uttlesford Local Plan (2005). The wording of conditions 3 and 4 were agreed with the Council through the Statement of Common Ground (SoCG). Far from sharing the Council's concerns, the Appeal Inspector dismissed them. There is evidence in this letter of how members formed conclusions based on the false statement in paragraph 13.4.15 of the Committee Report.

#### **Location of affordable housing**

- 1.5. Significant weight has been attached to the location of the affordable housing in the Council's response, specifically regarding living conditions. However, conditions 3 and 4 ensure that there will be acceptable living conditions for all residents. Therefore, the affordable housing units to the west of the site will not be subject to a level of noise from the M11 that is unacceptable.
- 1.6. In addition, I question whether the location of the affordable housing falls within the scope of 'reserved matters' as defined in Section 2(1) the Town and Country Planning (Development Management Procedure) (England) 2015 (DMPO) and the Planning Practice Guidance (PPG)<sup>2</sup>. and whether it should be a material consideration in the determination of this application.
- 1.7. Whilst the Council may argue that this matter should be considered under 'layout' the definition of that term in the DMPO makes clear that it covers only external layout i.e. *"the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development"*.

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<sup>1</sup> Appeal Decision APP/C1570/W/22/3311069

<sup>2</sup> Paragraph: 006 Reference ID: 14-006-20140306



- 1.8. Similarly, the reference to 'scale' in the DMPO relates only to the *"height, width and length of each building proposed in relation to its surroundings"*. It does not relate to the tenure within buildings.
- 1.9. Whilst the Council questions the integration of the affordable housing being provided as apartments, it fails to acknowledge that market units will also be provided as apartments. When assessing 'appearance' the decision maker should consider *"aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture"*. As there will be both market and affordable units provided as apartments, the 'appearance' of the apartments cannot be assessed as relating to a single tenure.
- 1.10. If the tenure within buildings were to be a matter for consideration at the reserved matters stage, then it would need to have been conditioned. For the Council to argue that the location of the affordable housing is a matter that forms part of the reserved matters, it would need to contend that the height, width and length of the apartment building and its position within the site are a direct response to the affordable housing units within it. That is not the case. Part of the apartment building contains market housing, and there is no difference in the external appearance of this part of the building. The height, width and length of the apartment building and its position within the site are a direct response to the noise from the M11, which was the main point that was considered at the appeal and found to be acceptable.
- 1.11. Through the appeal the Council sought control over specific elements of the affordable housing. These relate to the mix and type and the clustering of affordable housing units. Whilst the mix and type were to be agreed before the submission of a reserved matters application, the clustering is not a matter to be agreed with the Council. That is unless the number of affordable housing units in a cluster were to exceed the figure in the S106, which it does not.
- 1.12. Paragraph 3.9 of the Committee Report confirms both these points:  
  
*"Lastly the distribution of affordable housing is controlled by Schedule 2 Part 2 paragraph 3 within the section 106 (s106) which requires them to be in clusters of no greater than 18 dwellings. The s106 states that the type and mix of affordable housing needs to be agreed with the Council prior to the submission of a Reserved Matters application. The applicant submitted a letter to the Council on 5 January 2024 setting out the proposed number and tenure of the affordable units with a 70/30 split between affordable rent and shared ownership (this letter is in Appendix 3 of the applicants Planning Statement Appendices). The applicant states within paragraph 4.44 of the Planning Statement that UDC does not object to the type or mix of affordable housing and that the Council raised matters not related to the type of mix of affordable housing in emails dated 13 February 2024 and 11 March 2024. This is*



factually true however the applicant has not included the details of the Council response which are relevant to the proposal. This are summarised as follows:

*Percentage of first homes increased from 5% to 25% to be policy compliant  
Two cluster of 10 affordable housing units would meet the policy test over a block of 18 units. A cluster of 18-20 units would not be acceptable on the edge of the village  
While the affordable block was within the illustrative scheme this as never an acceptable location especially as this would be a sound barrier to the M11  
Condition 6 includes illustrative layout plans and we consider this condition will need to be removed or amended.*

*In conclusion the Council considered that the proposed layout of the affordable units was not acceptable and in particular the clustering of the affordable units. The applicant provided no response to the last email issued to them on the 11 March 2024.” (emphasis added)*

- 1.13. The Council incorrectly states that the distribution of affordable housing is controlled by the S106. The S106 limits the size of the affordable housing cluster. The type and mix of the affordable housing have been agreed with the Council, as confirmed by the case officer at the committee meeting (minute 37). The applicant’s letter of 5<sup>th</sup> January 2024 sets out that the type and mix of the affordable units, which includes apartments, and is now agreed. Whilst the case officer stated in the committee meeting that the mix did not comply with the Council’s LHNA (minute 37), the Council cannot raise this matter at the application stage after already agreeing the type and mix of the affordable housing. Moreover, this is not a matter that is material to the determination of this reserved matters for the reasons stated previously.
- 1.14. In its response the Council attaches weight to a lack of response to the e-mail of 11<sup>th</sup> March 2024. The reason why the applicant did not respond was because officers were raising matters outside the terms of the S106 that the Council had entered into. Namely, the type and mix of the affordable housing. This matter is not material to the determination of the reserved matters application. Notwithstanding this, officers did raise a legitimate concern about a cluster of 20 affordable housing units being contrary to the requirement in the S106. However, in doing so it changed the Council position and suggested that two clusters of 10 units may be acceptable. This response was contrary to the Council’s position when it signed the S106 and confirmed that a cluster of 18 affordable units was unacceptable.

**Affordable housing cluster**

- 1.15. In response to the e-mail of 11<sup>th</sup> March, the cluster of affordable housing was reduced from 20 to 18 units to accord with the S106. Whilst these units will be apartments, there will also be 2 units provided as dwellinghouses integrated elsewhere on the site. The reason why the majority of the affordable housing units are provided within part of the



apartment building is due to registered providers confirming that they would not take units in part of a mixed tenure block.

- 1.16. In reporting the application to the planning committee, the case officer wrongly stated that all the affordable housing was to be provided in flatted development. He then repeated the error in the Committee Report that the Appeal Inspector raised concerns about the location of the affordable housing (minute 36).

There is clear evidence from the committee meeting of members forming conclusions based on the gross errors in the Committee Report and the case officer's erroneous comments. First Councillor Emanuel stated that *"...the officer has done a very good job at nailing down that actually the Inspector suggested that it wasn't appropriate to have that as just an affordable block..."* (minute 49). Councillor Loughlin then stated that *"...I know that the Inspector did not like it (the location of the affordable housing) either..."* (minute 55).

- 1.17. Like planning officers and members, the Urban Design Officer failed to report that not all the affordable housing is provided as apartments, and that there are apartments of the same design that will be market housing. These comments were reported by the case officer at the committee meeting with reference to the affordable housing not being integrated. This again was very misleading and incorrect. If the situation were reversed and all the affordable housing units were provided as dwellinghouses, which would not deliver the smaller units that the Council needs, then the same argument could apply. The reality is that both affordable and market units will be provided as apartments and dwellinghouses. It has not been possible to provide greater integration as registered providers will not take on a mixed tenure block. Therefore, there are sound planning reasons for the proposed distribution of the affordable housing, which accords with the maximum number of units provided in a cluster, and with the type and mix of affordable housing units agreed with the Council.

- 1.18. The need to consider the management requirements of registered providers has been recognised by the Council when considering the application for 168 dwellings off Thaxted Road in Saffron Walden<sup>3</sup>. Whilst this application was refused, the Committee Report of 26<sup>th</sup> June 2024<sup>4</sup> assessed the proposed clustering, which the *'Site tenure plan-location of HA plots'*<sup>5</sup> plan shows in two closely related clusters both of which greatly exceeded 18 units. The Council did not object to the clustering as the applicant confirmed that they were in advanced discussions with a Registered Social Landlord, who welcomed the mix and layout of the affordable housing provision. The weight attached to this argument is confirmed in the Housing Enabling Officer's response in which they state:

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<sup>3</sup> Reference: UTT/23/2962/DFO

<sup>4</sup> Committee Report of 26<sup>th</sup> June 2024 (Appendix A)

<sup>5</sup> Drawing ref: 23 0067-7 H 'Site tenure plan-location of HA plots' (Appendix B)



*“The affordable housing could be better integrated although it is accepted that Registered Providers may prefer the proposed site layout to assist with future management and maintenance of the properties.”*

- 1.19. There are similarities between the Thaxted Road site and the proposals for land south of Bedwell Road with regards to the location of the affordable housing and whether the affordable housing units would be tenure blind. Unlike Bedwell Road, where the apartment block contains a mix of affordable and market units, the apartments of the Thaxted Road scheme were all proposed as affordable housing units. Had the scheme been approved, then it would have been evident that all the apartments were affordable housing. Though the Council raised no objection to this. Moreover, the two clusters of affordable housing were proposed in the noisiest part of the site, nearest to the B184 (Thaxted Road) and an existing skate park. Indeed, the application was refused due to a lack of assessment of the noise from the adjacent skate park.
- 1.20. This reserved matters application, and the outline before it, are predicated on a robust assessment of the noise environment on Bedwell Road together with mitigation measures that will provide acceptable living conditions for all residents. The Council's assessment of the Thaxted Road scheme is entirely inconsistent to how it has assessed this reserved matters application, and the objections it has raised to the clustering and location of the affordable housing.

#### **Acceptability of three-storey development on the site**

- 1.21. Unusually, the case officer elected not to provide elevations of the apartment block submitted with the application in his presentation to the planning committee, which he conceded was an oversight (minute 41). Officers and members subsequently used derogatory language to describe the apartment building such as “sound block”, “bund wall” and “monolithic”.
- 1.22. Members were further misled by the case officer when he stated that there was an expectation that things would change at the reserved matters stage with regards to the apartment block (minute 45). Given that the Council agreed conditions that specifically relate to dual aspect dwellings and noise mitigation measures, which were predicated on the use of a barrier block, it is unclear how officers then concluded that the scheme would likely change at the reserved matters stage. Especially given that condition 6 requires the development to be carried out in accordance with the approved indicative layout plans and the Council accepted that three-storey development would be acceptable on the site when agreeing the SoCG.
- 1.23. Although the case officer mentioned that the Appeal Inspector specifically approved two plans, he wrongly attached only limited weight to this material consideration. Both the approved plans show the indicative layout of the site that has come forward through the reserved matters application. Given the Appeal Inspector's approval of the layout, which has been designed to mitigate noise from the M11, it is hardly

surprising that there was little change at the reserved matters stage to the layout the planning committee saw when it considered the outline application. Instead of identifying the lack of change as a criticism, the case officer should have stated that the layout was no longer for discussion. The Council had raised its view on this matter during the appeal and the Appeal Inspector had dismissed these concerns as unfounded.

1.24. Moreover, the Council agreed in the SoCG that three-storey development on the site would be acceptable, subject to its final design. The Committee Report fails to mention this key material consideration. At no point in the committee meeting do officers correct members when they state that the scale of development is unacceptable in this location. Instead, officers reference the Urban Design Officer's comments, who also appears unaware of the agreed position in the SoCG with regards to three-storey development on the site.

1.25. The discussion of, and weight attached to the Urban Design Officer's response at the committee meeting appears to contradict the position in paragraph 7.2 of the Committee Report, which states:

*"Accordingly, it should be noted that a number of considerations/advice normally obtained from statutory consultees to assist the Local Planning Authority in the consideration of a major planning application have not been provided and are thereby not included within this report."*

1.26. Given that the Urban Design Officer's response was not included in the Committee Report, it is questionable whether all members of the committee had read it and were fully aware of the matters it raised. There is further evidence of how the discussion around the Urban Design Officer's comments have influenced the Council's response of 25<sup>th</sup> July, which contradicts planning officers' assessment of the application in paragraph 13.4.2 of the Committee Report below:

*"The scale of the dwellings is considered appropriate and will include a mix of apartments, terraced, semi-detached and detached houses comprising of 1, 2, 3- and 4-bedroom properties. The scale of the dwellings is not dominant or intrusive in the setting of the site or its surroundings. The heights of the dwellings are demonstrated in Figure 5 and the Inspector considered within his assessment that the 3-storey element of the proposal would not be harmful to the character or appearance of the area."* (emphasis added).

1.27. It is unclear how from the time of drafting the Committee Report to the committee meeting that the scale of the dwellings became unacceptable. Especially as paragraphs 14.1 and 14.2 of the Committee Report below confirm that the Council was not assessing the application based on responses from consultees:



*“Due to the nature of this application process, it is not possible to provide a detailed assessment of the proposal due to the lack of input from all consultees.”*

*“Many of the details submitted within this application seem to be identical to the details considered as part of the outline planning application which was deemed to be acceptable. It seems that on balance the majority of the outstanding points have been resolved (other than the location and clustering of the affordable housing units), but without feedback from consultees it is difficult to provide a comprehensive assessment over the acceptability of these. On the face of the proposals, they seem to be broadly acceptable.” (emphasis added)*

### **Urban Design Officer comments**

- 1.28. The Urban Design Officer confirms that the proposal is, in general terms, compatible with the surrounding buildings in terms of scale, but not with regards to massing and layout. If the scale is acceptable then the scheme would fail to provide appropriate noise mitigation if the massing did not include a continuous built form. It appears that the Urban Design Officer only reviewed the Design and Access Statement, and not WSP’s comprehensive Noise Report or the Appeal Decision. The WSP Report sets out why all habitable rooms are positioned away from the motorway and how cross-ventilation and natural cooling will be provided. This misunderstanding of the scheme that was assessed at the outline stage, and the measures that are fundamental to providing suitable living environments for all residents, limit the weight that can be attached to the Urban Design Officer’s comments.
- 1.29. The comments about materials are noted and it is recommended that final details of the materials be agreed by way of a condition. Similarly, it is agreed that there is an opportunity to propose more naturalistic play features and play-on-the-way elements along footpaths and trim trails. These details can also be secured by conditions. It is agreed that they would help expand the landscape strategy beyond the development boundary and integrate the woodland into the development.
- 1.30. With regards to the need to comply with the recently adopted District Wide Design Code SPD, the scheme is unique in that the starting point for the design was the need to mitigate the impact of noise from the M11. Whilst the design of the rest of the site has been based on a landscape led approach, the scheme cannot disregard the need for noise mitigation provided by three-storey development. The Appeal Inspector was aware of the concerns about the scale and massing of the three-storey development and accepted this constraint when they stated:

*“However, having regard to the mixture of two and three storey dwellings that are now found within the village, the extent of public views, the visual impact of the M11 and the intervening screening, I do not find that the 3 storey element would be harmful to the character and appearance of the area.” (paragraph 43)*



- 1.31. Given that the Urban Design Officer has little understanding of the outline scheme, it is easy to see how they concluded that the proposed apartment block would be incongruous. However, the Council accepted that three-storey development was necessary to mitigate the impact of noise from the M11. And that subject to its design, and the details of dual aspect dwellings and noise protection measures, it would be acceptable having regard to the context of the site. All these matters are evidenced by the SoCG, which the Council now appears to be ignoring.

### **Conclusion**

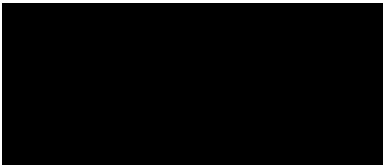
- 1.32. Part of the reason why there has been limited engagement with the Council prior to the submission of the application is due to officers (who did not take part in the appeal hearing) choosing to ignore key matters of the appeal. One of which is the weight that should be attached to the indicative scheme. This is evidenced in the March e-mail in which officers recommend that condition 6 (approved plans) be removed or amended. Paragraphs 2 and 8 of the Appeal Decision confirm that the Appeal Inspector had regard to the indicative layout in reaching his decision to allow the appeal and that the appeal was considered on the basis of the effect of the proposed development on the living conditions of potential future occupiers having particular regard to noise and disturbance. The acceptability of the appeal scheme was based on the indicative layout, which included three-storey development to the west of the site. Indeed, the Appeal Decision references 'indicative layout' and 'three-storey' (or variations of) on 10 and 15 occasions respectively.
- 1.33. Paragraph 12 of the Appeal Decision removes any doubt that the determination of the appeal was predicated on the provision of a three-storey apartment block as the only form of noise mitigation for the site:
- "The appellant confirmed that other forms of noise mitigation were considered during the development of the indicative planning layout. However, due to the elevated position of the M11 relative to the ground level of the appeal site, the appellants' confirmed other forms of mitigation such as acoustic barriers adjacent to the road or located between the proposed dwellings and the M11 would not be effective and would be logistically complex. I agree with the appellant in this regard particularly in light of the physical circumstances of the site, its relationship to the M11 and its elevation."* (emphasis added)
- 1.34. The minutes of the committee meeting set the context for the Council's response of 25<sup>th</sup> July. There was an overall desire to put forward objections to what was considered to be a controversial scheme. However, any such objections need to be based on facts and material considerations. The committee meeting was a way to put forward arguments to support a recommendation of refusal. These arguments were based on a misunderstanding of the appeal scheme and a misinterpretation of the Appeal Decision. Hopefully, this letter clarifies some of the matters that were material in the



determination of the appeal, as these are also material to the determination of this reserved matters application.

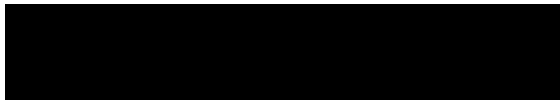
- 1.35. Please do not hesitate to contact me if you have any queries regarding the contents of this letter. In the meantime, I look forward to hearing from you about the arrangements for the hearing on 5<sup>th</sup> September, if necessary, where the matters raised in this letter can be discussed in more detail.

Yours



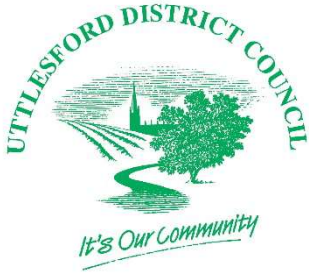
**Ed Durrant**

Associate Planner



**Appendix A** – Committee Report for application ref: UTT/23/2962/DFO for Land to the West of Thaxted Road, Saffron Walden for Details following outline application UTT/22/3258/PINS (s62A/2022/O014) for the erection of 168 dwellings with associated landscaping and parking – details of appearance, landscaping, layout and scale.

**Appendix B** – Drawing ref: 23 0067-7 H – ‘Site tenure plan–location of HA plots’ for application ref: UTT/23/2962/DFO



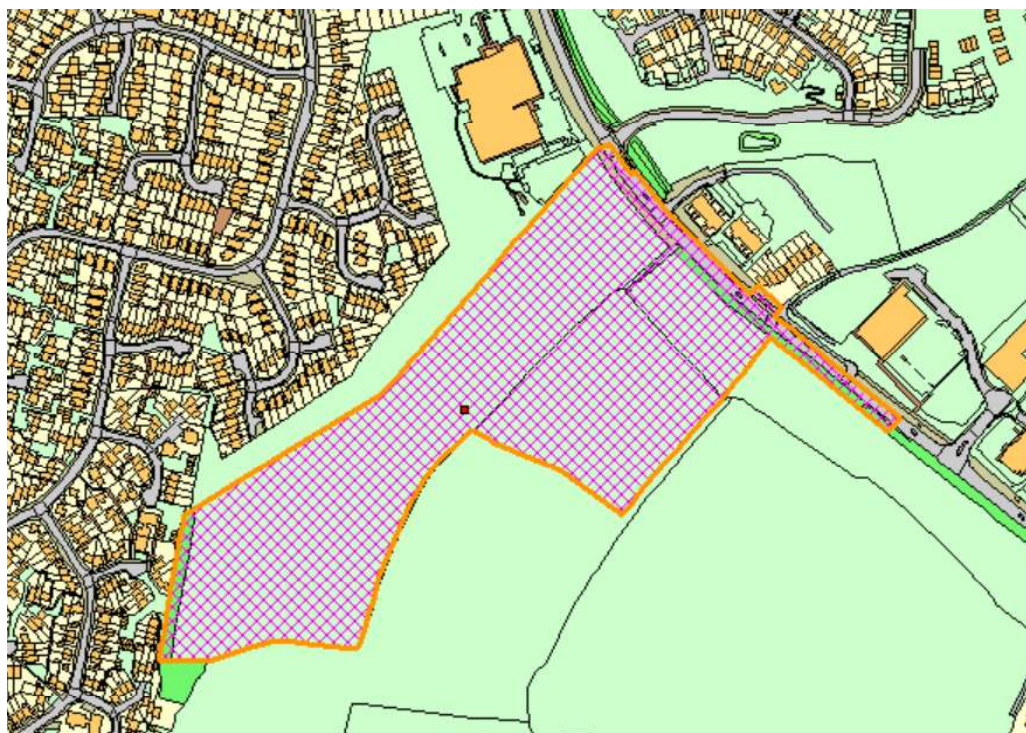
**ITEM NUMBER:** 6

**PLANNING COMMITTEE DATE:** 26 June 2024

**REFERENCE NUMBER:** UTT/23/2962/DFO

**LOCATION:** Land To The West Of Thaxted Road, Saffron Walden, Essex

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 29 April 2024

**PROPOSAL:** Details following outline application UTT/22/3258/PINS (s62A/2022/0014) for the erection of 168 dwellings with associated landscaping and parking - details of appearance, landscaping, layout and scale.

Application to discharge conditions 24 (surface water drainage scheme) and 27 (walking and cycling network) of UTT/22/3258/PINS (s62A/2022/0014).

**APPLICANT:** Chase New Homes

**AGENT:** Barker Parry Town Planning Ltd

**EXPIRY DATE:** 28 February 2024

**EOT Expiry Date** 3 June 2024

**CASE OFFICER:** [REDACTED]

**NOTATION:** Outside Development Limits

**REASON THIS APPLICATION IS ON THE AGENDA:** Major Planning Application

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## **1. EXECUTIVE SUMMARY**

**1.1** The application was considered by the Planning Committee on the 29 May 2024 and deferred to address the concerns of noise raised by the Council's Environmental Health Officer.

**1.2** This application includes the details following outline application UTT/22/3258/PINS (s62A/2022/0014) for the reserved matters for 168 dwellings, including details of appearance, landscaping, layout and scale. The principle of the development along with details of access of the development have already been approved as highlighted within the relevant site history section of this report.

**1.3** The layout, scale appearance and landscaping of the development is considered acceptable providing a mix of larger and smaller dwellings. and complies with Policies GEN2 and the Essex County Council Parking

Standards. The housing mix for the development is also considered acceptable.

- 1.4 The proposal would not be harmful to protect/priority species subject to accordance of conditions imposed on the outline planning application.
- 1.5 Although the principle of the development has been approved concerns raised by the Council's Senior Environmental Health Officer (Appendix 6) with regards to noise from the nearby skate park and its impact to the residential amenity of the proposed dwellings has not been addressed. This would be a conflict with the layout of the development and as such a relevant matter for consideration as part of this reserved matters application.
- 1.6 As such it is considered the proposed development is not in accordance with ULP Policies ENV10 and GEN2 with regards to noise sensitive development and the provision of an environment that meets the reasonable needs of all potential uses and would not have a material adverse impact effect on the reasonable occupation of the residential properties.

**2. RECOMMENDATION**

REFUSE for the reasons set out in section 17.
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**3. SITE LOCATION AND DESCRIPTION:**

- 3.1 The proposed application site is located to the southwest of Thaxted Road on the edge of the town of Saffron Walden. The site is approximately 7.8 hectares in size and its topography consists of a modest slope falling from the rear western boundary to the front eastern boundary.
- 3.2 The site is formed by three distinct fields currently in arable production and free of any established built form. Mature vegetation is the form of established hedgerows and medium size trees are located along the boundaries of the site and internally splitting the fields.
- 3.3 Immediately adjacent to the northern boundary is a small area of public open space with residential housing, a community skate park, and the Lord Butler Leisure Centre. To the west lies further residential housing and a primary school. New development in the form of a retail park consisting of commercial premises, restaurants and a hotel, along with new residential housing is located on the opposite side of Thaxted Road to the east.
- 3.4 In terms of local designations, the site is defined as being outside of the settlement boundary of the Town of Saffron Walden and thereby located in the countryside. The Environmental Agency Flood Risk Maps identifies a site to be located within 'Flood Zone 1'. The site does not fall within or abuts a conservation area, although a grade two listed building known as

'The Granary' lies to the southwest of the site. There are no local landscape designations within or abutting the site.

#### **4. PROPOSAL**

**4.1** This application includes the details of reserved matters following outline approval UTT/22/3258/PINS (s62A/2022/0014), including details of appearance, landscaping, layout and scale.

**4.2** The principle for development, including the access arrangements into the site from Thaxted Road has already been approved as part of the outline application, these aspects do not therefore form part of the considerations with this current reserved matters submission.

**4.3** The current reserved matters application seeks approval for the detailed elements of the scheme comprising:

**4.3.1** Appearance – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

**4.3.2** Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

**4.3.3** Scale – the height, width and length of each building proposed within the development in relation to its surroundings.

**4.3.4** Landscaping – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes:

- screening by fences, walls or other means;
- the planting of trees, hedges, shrubs or grass;
- the formation of banks, terraces or other earthworks;
- the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- the provision of other amenity features

**4.3.5** The proposal will include the following housing scheme:  
Private Sale 60% (101 Units).  
Affordable 40% ( 67 Units)

**4.3.6** The proposed housing mix includes the following:

Houses / Bungalows	Affordable Rent	Shared Ownership	Private	Total
1-Bedroom	2	0	0	2
2-Bedroom	8	4	12	24
3-Bedroom	8	5	33	46
4-Bedroom	2	0	46	48
5-Bedroom	0	0	10	10
Flats	Affordable Rent	Shared Ownership	Private	
1-Bedroom	21	3	0	24
2-Bedroom	6	8	0	14
<b>Total</b>	<b>47</b> (27.9%)	<b>20</b> (8.4%)	<b>101</b> (60.1%)	<b>168</b> (100%)

**4.3.7** The application includes a Planning, Design and Access Statement in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

**4.3.8** Also included with the application:

- Landscape Statement
- Arboricultural Impact Assessment
- Drainage Strategy

## **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**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/12/6004/SCO	Request for screening opinion in respect of proposed residential development (225 dwellings) including extension to Stake Park	Opinion given, EIA not require, 19 <sup>th</sup> December 2012



UTT/13/2060/OP	Outline application with all matters reserved except access for residential development of up to 300 dwellings, pavilion building, extension to skate park and provision of land for open space/recreation use, including an option for a new primary school on a 2.4 ha site.	Application Refused 2nd May 2014). (Dismissed at Appeal Ref: APP/C1570/A/22 21494 2nd June 2015).
UTT/22/3258/PINS	S62A/2022/0014  Outline application with all matters reserved except for access for up to 170 dwellings, associated landscaping and open space with access from Thaxted Road	Approved 30 <sup>th</sup> May 2023

## **7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

**7.1** The LPA engaged in pre application discussion prior to the submission of the outline planning application, this concluded that in light of the above appraisal and for the reasons highlighted, it is officers' opinion that the principle of the development of the site could be considered appropriate when one applies the tilted balance.

**7.2** However, this would involve the applicant to provide substantial evidence as part of the submission to clearly demonstrate that the benefits of the proposals would outweigh the potential harm that the proposals may cause.

**7.3** At this stage, it is understood that further work is being undertaken in the background in the preparation of the supporting documentation to help illustrate that any perceived/potential negative harm is avoided, reduced, or offset as well as the benefits that the scheme will manufacture

**7.4** It is confirmed a statement of community involvement was submitted with the outline application advising the engagement with the community via electronic feedback between the 28th October and 13th November 2022. 1110 people in total provided feedback, the majority of the comments received were focused on the following:

- Increase traffic congestion,
- The impact on the local infrastructure,
- Environmental concerns,
- Support and opposition to the development.

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### **8.1 Highway Authority**

**8.1.1** We still have the following concerns:

**8.1.2** Drawing 3118/A/1202/PL/D indicated a 'pedestrian/cycle path' adjacent to the 'indicative primary access road' at the site access from Thaxted Road. On the submitted drawing 23 0067-13 H (revised walking and cycling network plan) this is only marked as a 'walking route' – this submission does not contain an explanation as to this change from the 'in principle' network.

**8.1.3** Condition 26 of the planning permission sets out that the access should include 'shared pedestrian/cycleway minimum effective width 3.5m' which does not appear to be the case – unless the intention is to provide this shared facility at the access only and not extend it into the site at all (contrary to the two drawings mentioned in the condition wording - 22078/006 Rev D and 007B).

**8.1.4** Not providing this facility suggests that cyclists would be expected to travel on carriageway and/or to travel back on themselves using the new facility along the site frontage on Thaxted Road entering the site further south? Clarity on this matter is requested.

**8.1.5** Drawing 3118/A/1202/PL/D indicated a route from the end of the estate road to the orbital greenway in the south-west of the site which is now marked as 'informal pedestrian path' on the submitted drawing 23 0067-13 H (revised walking and cycling network plan) however, drawings L21041.04.0 Rev D (hard landscape proposals drawing 2 of 2) and L21041.02.0 Rev E (soft landscape proposals drawing 2 of 2) show that this would not be a fully-surfaced route, crossing a grassed area. The applicant should consider continuing the self-binding gravel to the surfaced parking area to complete the connection.

### **8.2 Environment Agency- No Objection**

**8.2.1** We have inspected the documents as submitted and have no objection to the proposed development.

### **8.3 Lead Local Flood Authority- No objection**

**8.3.1** Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, subject to conditions we do not object to the granting of planning permission.

## **9. TOWN COUNCIL COMMENTS**

**9.1** SWTC objected to this planning application on 28 April 2023 and continues to object to the planning application on the grounds of:

**9.1.1** Positioning of the affordable housing.

- The affordable housing all in one cluster and, therefore, not properly dispersed throughout the development.

**9.1.2** Limited, poor quality open space provision.

- Amenity space too small for use,
- No play equipment included,
- The SUDs area should not be included as public open space,
- No recreation or play areas,
- There is a requirement for stronger vegetative southern boundary.

**9.1.3** Layout for sustainable transport.

- Poor sustainable transport layout,
  - Concerns have been raised by the UDC Urban Design Officer,
  - The primary street layout is excessively curvilinear with extensive reliance on private drives and cul-de-sacs and there are no clear opportunities to extend streets to connect with future or existing development.
- 
- In its current form, the proposals for this site do not offer any obvious connections beyond the site boundary to link into future development.
- 
- Following the deferral of the application it is considered the concerns raised by the Council's Environmental Health Officer should be addressed.

## **9.2 Applicant's Rebuttal to Town Council's Comments**

**9.2.1** The Town Council continue to object to the proposed development on the basis of the positioning of the affordable housing, limited, poor quality open space provision and layout for sustainable transport.

**9.2.2** The comments from the Town Council are noted, however, we note that no objection has been raised by the Council's Housing Officer on the site layout, additionally the Applicant is at an advanced stage of discussions with a Registered Social Landlord who welcomes the mix and layout of the affordable housing provision.

**9.2.3** The quantum of open space proposed was fixed by the approved Framework Masterplan. The infiltration basin does form part of the wider open space provision, unlike a detention basin it is not designed to be permanently wet, but to ensure there is capacity within a flood event only. There is no outline permission requirement for community facilities.

**9.2.4**

The desire for alternative pedestrian and cycle facilities across the site is noted, however, the scheme does comply with the approved Design Code.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Housing Enabling Officer**

**10.1.1** The proposed affordable housing mix within the application would provide a good range of size and type of affordable property to assist those in housing need. Each of the affordable properties meet or exceed NDSS. Four 1- and 2-bedroom M4(3) bungalows are included within the affordable housing mix which will assist towards meeting the identified need for this property type within Saffron Walden.

**10.1.2** The affordable housing could be better integrated although it is accepted that Registered Providers may prefer the proposed site layout to assist with future management and maintenance of the properties.

**10.1.3** The proposed market housing mix could be enhanced by including more 2-bedroom properties and less properties with 4 bedrooms or more as there is an identified need for smaller market homes. It could also be enhanced by including a proportion of bungalows within the market housing property mix.

### **10.2 Cadent Gas- No Objection**

**10.2.1** We have received a notification regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective,

### **10.3 Place Services (Conservation and Heritage)**

**10.3.1** Our response to application s62A/2022/0014 noted that the proposals would not result in harm to the nearest listed building (Barn at Herbert's Farm Grade II; list entry number 1205692) or the Saffron Walden Conservation Area. It nonetheless encouraged the use of high-quality and traditional materials to meet paragraph 197c of the NPPF. We have no comment on the details submitted.

### **10.4 Place Services (Ecology)**

**10.4.1** No objections, we have reviewed the submitted documents and we are satisfied that there is sufficient ecological information available for determination of this application.

### **10.5 Place Services (Archaeology)**

**10.5.1** No objection, an archaeological evaluation has been undertaken on the site and a small excavation is being undertaken at present. Following this fieldwork no further archaeological investigation will be required on the site itself.

**10.6 Essex Police**

**10.6.1** No objections raised.

**10.7 Anglian Water**

**10.7.1** The drainage strategy proposed in supporting document, Drainage Strategy Report IDL/ 1187/ DS/ 001 P03 Feb 24, does not relate to any Anglian Water assets. Therefore, the discharge of surface water condition 24 for outline planning application UTT/22/3258/PINS is not under Anglian Water's jurisdiction to comment on at this stage.

**10.8 UDC Environmental Health Officer**

**10.8.1** It is considered that that noise from the skatepark has **not** been assessed appropriately and in my opinion it is likely to have a significant impact upon the future users of the proposed development without the appropriate mitigation.

I would recommend that a further noise assessment is carried out prior to determining the application:

A noise impact assessment shall be conducted, and a scheme shall be submitted for approval in writing to demonstrate how noise from the skatepark shall be mitigated to protect the proposed nearby residential properties. This shall be prepared by an acoustically competent person using appropriate guidance's and include mitigation of noise impacts from but not limited to:

- Skateboards.
- Rolling noise
- Impact noise
- Voices from users
- Roller blades and scooters
- BMX bikes

The noise assessment is required prior to determining the application because based on the submitted information it is not clear if noise mitigation measures such as barriers would be sufficient to achieve acceptable levels in amenity areas and within dwellings with the proposed layout and design.

**10.9 UDC –Urban Design Officer**

## **10.9.1** Walking & Cycling Network:

**10.9.1.1** The Orbital Greenway and the cycle/footpath are surfaced in self-binding gravel which whilst being a suitable surface for horse riders, is liable to degradation not subject to a stringent management plan and can lead to a rutted surface unsuitable for cyclists and some pedestrians.

**10.9.1.2** It appears to be 15-20 minutes' walk to the nearby retail park (which is the closest local amenity) and there are no nearby bus stops on Thaxted Road.

**10.9.1.3** The pedestrians using this as a walking route will need to cross the road three times along its length as there is not a consistent provision of footway on either side of the road. This does not support an active travel place priority approach.

**10.9.1.4** The proposed street types shown in the hard landscaping and so landscaping drawings which form the walking route do not appear to comply with the proposed street types set out in the applicant's Design Code.

**10.9.1.5** Both the pedestrian/cycle way and the Orbital Greenway lack passive surveillance for the most part, with the majority of houses adjacent to these routes presenting largely blank flank gables offering very limited passive surveillance and no animation or street activity.

**10.9.1.6** The Design Code indicates three pedestrian friendly crossing areas but only one is indicated on the supplied hard landscaping plans and two on the site layout plan.

**10.9.1.7** The pedestrian route exits the site by the pedestrian crossing on Thaxted Road, near to the skatepark and opposite Cardamon Road. The central cycle route exits by the junction opposite Tiptops Lane (north). This section of Thaxted Road has three lanes, with a segregated right-turning lane and no cycle lane, so does not seem a good location for cycle traffic to merge.

**10.9.1.8** The majority of cycle storage is located in garden sheds with the remainder in garages. There is no indication of visitor cycle storage provision. Neither location is suitably convenient to promote and encourage modal shift in travel behaviours.

**10.9.1.9** The pedestrian/cycle route connects to neighbouring development at the south of the site to join 'The Glebe', a cul-de-sac development that leads through to the 'Nisa Local' convenience store approximately 250m away, which is a useful local destination, however, there does not appear to be any other clear destination or desire line from this part of the site, so this route may be of limited use.

**10.9.1.10**

Lack of clear access or egress point beyond the southern edge for the orbital greenway.

## **10.10 Affinity Water**

**10.10.1** No objections- provided the stages of treatment are implemented as set out in the 'DRAINAGE STRATEGY REPORT IDL/1187/DS/001' section 3.9.

## **11. REPRESENTATIONS**

**11.1** Site notice/s were displayed on site and 471 notifications letters were sent to nearby properties. The application was also advertised in the local press.

## **11.2 Support**

**11.2.1** N/A

## **11.3 Object**

- 11.3.1**
- The buildings should be in accordance with the approved drawing Ref: 1203 PL D;
  - The height and location of some of the dwelling's loss of privacy and over looking to neighbouring developments;
  - Out of character with neighbouring and nearby developments;
  - Increase in poor air quality;
  - Increase in noise and disturbance
  - Increase in traffic generation and congestion;
  - Not a sustainable location;
  - Insufficient number of affordable and smaller dwellings;
  - Loss of pedestrian access to the south of the site;
  - Impact to highway safety along Thaxted Road;
  - The proposal may lead to an increase in flooding, nearby flood prevention was not designed to accommodate this level of development;
  - Lack of local facilities and resources including GP surgeries, schools and dentists;
  - Decrease in property values;
  - Development could be considered on previously development land and not undeveloped sites.

## **11.4 Comment**

**11.4.1** This planning application is for the consideration of reserved matters including, details of appearance, landscaping, layout and scale. The principle of the development has been approved under planning application s62A/2022/0014. All planning matter associated with the reserved matters will be considered in the following report.

## **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** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### **12.4 The Development Plan**

**12.4.1** 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 Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)  
Stebbing Neighbourhood Plan (made 19 July 2022)  
Saffron Walden Neighbourhood Plan (made 11 October 2022)  
Ashdon Neighbourhood Plan (made 6 December 2022)  
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

## **13. POLICY**

### **13.1 National Policies**



**13.1.1** National Planning Policy Framework (2023)

**13.2 Uttlesford District Plan 2005**

Policy S7 – The countryside  
Policy GEN1- Access  
Policy GEN2 – Design  
Policy GEN3 -Flood Protection  
Policy GEN4- Good Neighbourliness  
Policy GEN5 –Light Pollution  
Policy GEN6- Infrastructure Provision  
Policy GEN7 - Nature Conservation  
Policy GEN8- Vehicle Parking Standards  
Policy H9- Affordable Housing,  
Policy H10- Housing Mix  
Policy ENV2- Development affecting Listed Buildings  
Policy ENV3- Open Space and Trees,  
Policy ENV4- Ancient monuments and Sites of Archaeological Importance  
Policy ENV5- protection of Agricultural Land  
Policy ENV10-Noise Sensitive Development,  
Policy ENV13- Exposure to Poor Air Quality

**13.3 Saffron Walden Neighbourhood Plan**

Policy SW1- Housing mix on new developments  
Policy SW2- Protection of Views  
Policy SW3- Design  
Policy SW4- Parking on new developments  
Policy SW5 – Affordable Housing  
Policy SW10- High quality communications infrastructure  
Policy SW11- Ecological requirements for all new domestic and commercial developments  
Policy SW12- Promoting walking and cycling  
Policy SW13- Travel Planning  
Policy SW14- Improving provision of public transport  
Policy SW15- Vehicular transport  
Policy SW17- Open space for informal recreation  
Policy SW18- Public Rights of way

**13.4 Supplementary Planning Document or Guidance**

Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document- Accessible Homes and Play Space Homes  
Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)

**14. CONSIDERATIONS AND ASSESSMENT**

- 14.1** The issues to consider in the determination of this application are:
- 14.2** **A) Layout of the development**  
**B) Scale and appearance**  
**C) Landscaping**  
**D) Affordable Housing**  
**E) Nature Conservation**  
**F) Noise sensitive development and disturbance**  
**G) Climate Change**  
**H) Heritage**  
**I) Consideration of Conditions**
- 14.3** **A) Layout of the development**
- 14.3.1** The layout of the site has sought to follow the principles established within the approved parameter plans whilst creating an attractive development set in a well-landscaped area. The proposed development provides a series of connected streets, lanes and footpaths connecting to the wider area and settlement and includes a range of open spaces for community interaction.
- 14.3.2** The Design Code proceeds to break the site down into six-character areas. This is a significant amount of character areas for a development of this scale but has been incorporated into the overall design of the scheme.
- 14.3.3** The open space continues to the southern boundary of the site and will create a focal area of open space at the highest point of the site and provide a pocket park overlooked by the proposed residential development. It will be connected to the surrounding area and have integral recreational routes for pedestrians and cyclists. All areas of open space would be actively fronted onto by streets and residential properties.
- 14.3.4** The open space to the east of the site is framed by a 3-storey apartment block which provides enclosure and natural surveillance, this is in accordance with the approved Design Code. To the west the scale of development becomes more traditionally two-storey, providing a clear design shift from the development between Thaxted Road and the open space, to the softer scale of development moving towards the western edge of the site.
- 14.3.5** The green space adjacent to the main entrance will give access to the proposed flats in the northeastern corner of the site. This area comprises three storey buildings of traditional form. Building 1 has been designed as a focal building, distinctive in character.
- 14.3.6** Towards the southwest which is also the highest part of the site, the dwellings will transition from terraced and semi-detached properties to detached houses. These will include views over the open countryside and

the integral open spaces. These properties are set back from the boundary allowing space for enhanced boundary planting and the orbital greenway and are built at a lower density than elsewhere in the development.

**14.3.7** The new buildings will be set back from this to allow space for the orbital greenway and to ensure the existing hedgerows can be retained. This will allow for some screening from wider views and form an attractive space. It is noted the orbital greenway has been revised to take into consideration the Council's Urban Design Officer's comments and now includes a southern connection point. Furthermore, although comments have been raised in regards to a footpath to the west of Thaxted Road or further connection beyond the application site, these were not a requirement as part of the outline planning permission.

**14.3.8** The layout will provide an appropriate siting of the dwellings, garages and public open space within the site and that is compatible with its surroundings. Plots along Thaxted Road will relate well at the point of the main highway access to the site and provides a main road frontage presence which is compatible with the adjacent development of the Kilns. The remaining dwellings within the site would appropriately frame the new internal street scenes. The layout of the development provides sufficient distance and space between the properties and ensure the site is not overdeveloped or have a cramped appearance.

**14.3.9** The rationale of the layout of the proposed development includes:

- Key focal point buildings,
- Formal road running through the centre of the scheme,
- Appropriate footpath and cycle links,
- Landscaped corridors,
- Building aligned to open space to create a defined edge,
- Apartment block aligned to Thaxted Road,
- Main road through the site from highways access point,
- Roads designed as informal back lanes,
- Open space linking to the adjoining green space,
- Public open space

**14.3.10** The proposed layout has been subject to review by the Council's Urban Design Officer as part of the application process, concerns were raised regarding layout of which the applicant's rebuttal include the following:

**14.3.11** **The materials proposed to be used for the foot path/ cycle way.**

**14.3.12** *The Approved Design Code, page 24, advises on the surface materials to be used for the footpath/cycleway, it includes a resin, polymer bound rubber crumb-grit compound surface or for it to be an un-sealed surface. The proposal complies with this requirement.*

- 14.3.13** Concerns are raised in respect of the curvilinear and circuitous walking route along the primary road through the site.
- 14.3.14** *There are several walking routes through the site that provide multiple options to create shorter walking routes if required. The footpath adjacent to the primary road is a highway requirement and cannot be removed. The alignment of the road is set by the Framework Masterplan*
- 14.3.15** *The footways which run alongside the proposed carriageway will serve to provide residents with an immediate frontage on to them, with a means of connectivity to the more direct routes provided by the Orbital Greenway and the secondary footway/cycleway.*
- 14.3.16** *It is unlikely that residents and their visitors will solely use the more protracted footway route alongside the access road to gain access to offsite amenities. Footways are not proposed where they would otherwise be surplus to the required pedestrian movements for residents and visitors*
- 14.3.17** **The proposed street types do not accord with the Design Code.**
- 14.3.18** *The Design Code makes reference to the 2 ‘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. Initially the access off Thaxted Road is noted as Type E Access Road, increasing in scale to a Type D Feeder Road further into the development.*
- 14.3.19** *This is counter-intuitive and therefore, given the number of dwellings proposed (130), 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.*
- 14.3.20** *The scheme proposes no linkages to future or existing developments and therefore a Feeder Road (with or without a Bus Service) is not applicable.*
- 14.3.21** **The pedestrian/cycleway lacks passive surveillance and lighting.**
- 14.3.22** *Every part of the pedestrian/cycleway is visible from either a gable window or through front or rear windows of properties that side onto the pedestrian/cycleway. The Aspen, Willow, Oak, Rowan, Bronte and Beech house types have been updated to ensure passive surveillance is achieved.*
- 14.3.23** *Lighting is proposed and is covered under a separate condition.*
- 14.3.24** **The Design Code indicates three pedestrian friendly crossing areas.**

The scheme has been amended to include the three crossing points.

- 14.3.25** The cycle route junction point with Thaxted Road does not seem a good location for the cycle traffic to merge.
- 14.3.26** *The junction points were agreed at outline stage and are required as part of the Framework Masterplan.*
- 14.3.27** *Page 31 of the Design Code sets out the requirements for cycle parking. The first criteria is that cycle parking must comply with the Local Authority requirements. The UDC webpage confirms that the Essex Parking Standards have been adopted. The Essex Parking Standards do not require visitor cycle parking for C3 uses.*
- 14.3.28** *The use of shed and garages for cycle parking associated with dwellings, fully complies with the requirements of the Design Code.*
- 14.3.29** **There are no opportunities to extend streets to connect with future or existing development. The layout of the street and the wide radii and carriageway width signify a car-prioritised road.**
- 14.3.30** *The road alignments follow the approved Framework Masterplan. There is no requirement to make provision for connection to future or existing developments.*
- 14.3.31** **The Design Code refers to three points of access to the western public open space but these do not appear on the supplied drawings.**
- 14.3.32** *This has been amended on the revised plans and three connection points are now shown. There is no requirement for these to be anything more than informal connection points to the open space beyond.*
- 14.3.33** In terms of layout the proposal ensures the properties will have sufficient private amenity space this is contributed by the distance between properties and landscaping features. The apartment block include communal space and is also located close to the public opens space area.
- 14.3.34** Refuse collection is proposed from within the site, with refuse vehicles travel in forward gear, with room within the site for refuse vehicles to turn and exit the site in forward gear. Each dwelling is within the maximum collection and drag distances prescribed.
- 14.3.35** ULP Policy GEN2 also considers the impact to neighbouring properties regarding loss of light, over shadowing, overlooking and loss of privacy. The layout of the development includes separation distances between the proposed dwellings and the existing neighbouring dwellings that ensures the development will not result in any loss of light, overshadowing that will result in any significant harmful impact to neighbouring occupiers.
- 14.3.36** The site plan submitted shows that the proposed dwellings as sited are unlikely to give rise to a significant loss of residential amenity to adjacent

dwellings and would be in accordance with the aims of the Essex Design Guide. Sufficient distance between the dwellings and the existing dwellings outside the application site to not result in any harmful impact to neighbours private amenity. The boundary treatment of the amenity areas of the proposed dwellings is set out in the landscaping plans and includes timber boundary fencing.

- 14.3.37** The Housing Enabling Officer has been consulted of the proposal, no objections have been made however it has been noted the affordable housing could be better integrated although it is accepted that Registered Providers may prefer the proposed site layout to assist with future management and maintenance of the properties. The development could be enhanced with more 2-bedroom properties and less 4-bedroom properties and a provision of bungalows within the market dwellings. Although these points have been raised there is not an objection in relation to the proposed housing mix and affordable dwellings provisions, it is also noted affordable units plots 23-26 are bungalows.
- 14.3.38** The introduction of the dwellings will result in an increase of noise and disturbance, mainly due to the increase of vehicular movement within the site and residential occupational use. That being said this would be consistent to the other residential development south and west of the application site. As such I do not consider the disturbance would be of a significant level that will result in a material harmful impact to the residential amenity of the existing neighbouring residential sites. As such the proposal is in accordance with ULP Policy GEN4.
- 14.3.39** ULP Policy GEN3 considers the development in regard to flood protection. The site is not in an area at risk of flooding however due to the scale and design of the development the appropriate Local Lead Flood Authority has been consulted due to the proposed drainage and SUDs features. No objections have been raised, the development will still be subject to the conditions imposed under the outline planning permission regarding the submission and approval of a surface water drainage scheme, scheme to minimise off site flooding, maintenance plan and year log records. Taking into consideration the comments from the statutory consultees the development is not considered to not give rise to any significant adverse effects with respect to flood risk and accords with ULP Policy GEN3 and the NPPF.
- 14.3.40** The layout of the access to the site was considered and approved in the approved outline planning application s62A/2022/0014 and it is noted concerns have been raised by the Highway Authority and due consideration has been made to these. Due to an increase size to the SuDS basin to ensure that the necessary drainage can be achieved the pedestrian/cycle path' adjacent to the primary access road at the site access from Thaxted Road and therefore can only accommodate a pedestrian path. The delivery of a footpath in this location was deemed sufficient, when this is considered alongside the two additional

footpath/cycle way access points a matter of metres from this access point.

- 14.3.41** As such it is considered the proposed layout of the access is considered in accordance with approved access included in the outline planning permission and ULP Policy GEN1. It is noted condition 4 of the outline planning application ensure the access is in accordance with Plans 22078/006D and 22078/007B.
- 14.3.42** The layout of the proposed development considers the proposed parking standards, ULP Policy GEN8 states development will not be permitted unless the number, design and layout of vehicle parking proposal is appropriate for the location. A realistic approach is required to try and discourage unlimited car parking provision on new developments and thereby car usage, to help tackle the growing problem of traffic emissions and road congestion and making it easier to walk or cycle for local short distance trips, only in appropriate locations and must avoid parking to be displaced elsewhere in the neighbourhood.
- 14.3.43** In terms of layout and number of the parking spaces, the revised scheme is in accordance with the Uttlesford Residential Parking Standards. Furthermore, 42no. visitor parking spaces will be provided within the development, also the proposed off street parking provisions will be in accordance with the approved design code and Essex County Council Parking Standards.
- 14.3.44** Taking into regards the details set out in the above paragraphs it is considered the layout of the development is appropriate and in accordance with ULP Policies S7, GEN2, GEN4, GEN5, GEN8, H10, ENV13, Saffron Walden Neighbourhood Plan Policies SW1, SW2, SW4, SW5, SW12, SW17, and SW18, the Essex Design Guide, ECC Parking Standards and the NPPF.

#### **14.4 B) Scale and appearance**

- 14.4.1** Policy GEN2 considers the design of the development to ensure the development is compatible with its surroundings. Policy SW3- Design of the Neighbourhood Plan advice all development in Saffron Walden must contribute positively to the parish's sense of place through a design-led approach underpinned by good design principles. The design rationale in regard to the appearance of the development is ensuring a scheme that respects the local vernacular and scale of the existing and surrounding areas using high quality building materials from sustainable sources. The outline permission was approved with a Design Code Rev A, dated February 2023. The Design Code was prepared to guide future development of the site.
- 14.4.2** The Framework Masterplan at Chapter 3 combines the principles contained within the wider document and seeks to set out development zones, green corridors and road hierarchy amongst other matters. The

Design Code further proceeds to break the site down into six-character areas. This is a significant amount of character areas for a development of this scale but has been incorporated into the overall design of the scheme.

- 14.4.3** The scale of the dwellings is considered appropriate and will include a mixture of larger detached dwellings, and smaller semi-detached dwellings. The scale of the dwellings is not dominant or intrusive in the setting of the site or its surroundings. It is noted that some of the dwellings are larger than the sizes stated on the approved parameter plans, however Condition 5 of the outline planning permission states the development should be in general accordance with parameter plans.
- 14.4.4** Although this location for the development is tacked on the main settlement and has a rural appearance, to the south and east of the site there are a number of more recently constructed developments. It is considered the scale of the development including the scale of the dwellings within the site are compatible with the neighbouring residential developments and therefore would not be out of place or harmful to the character of the site.
- 14.4.5** As shown on the submitted plans the proposed dwellings are a mixture two-storeys properties, bungalows and larger three storey apartment block. The external finishing materials will include the use of external materials that will be considered acceptable in this location and in accordance with the approved design code. The scale and appearance of the dwellings are not considered to be adversely intrusive or dominant in the street scene or surrounding area.
- 14.4.6** Towards the southwest, the highest part of the site, the dwellings will transition from terraced and semi-detached properties to detached houses. These properties are constructed of traditional materials, will face the rural edge and have views over open countryside and the integral open spaces. These properties are set back from the boundary allowing space for enhanced boundary planting and the orbital greenway and are built at a lower density than elsewhere in the development.
- 14.4.7** The site does not include any significant change in the existing ground levels across the site or as it extends away from the highway. The proposed dwellings have been designed to respond in scale to these existing levels ensuring dwellings do not unduly overbear neighbouring properties.
- 14.4.8** The new properties throughout are to be built to a high standard using traditional materials and set back from the internal roads to provide separation and planting. The existing topography of the site has been taken into account and the siting of the proposed properties allows for level changes to be contained within rear gardens and predominantly along boundary lines.



**14.4.9** The proposed dwellings as submitted meet the Technical Housing Standards – nationally described space standard (2014). Although this is not an adopted document it provides good practice for the design of residential development.

**14.4.10** As such taking due consideration of the above it is considered the proposed development includes an acceptable scale and appearance and is in accordance with ULP Policies S7, GEN2, Policy SW3- Design of the Neighbourhood Plan and the Essex Design Guide and the NPPF.

## **14.5 C) Landscaping**

**14.5.1** The landscape proposals create a series of open spaces with distinctive characters throughout the site. The landscaping scheme proposes extensive soft landscaping to ensure an attractive green development, with inviting and useable open space and key-points throughout the site. The edge of the development, particularly to the south and the wider open countryside retains a strong vegetative edge that is proposed to be enhanced.

**14.5.2** Existing hedges and trees along the site boundaries will be retained where feasible to enhance the rural edges. New planting will utilise a select planting palette including locally characteristic indigenous hedge and tree varieties.

**14.5.3** It is noted the proposed landscaping scheme is considered to comply with the approved Design Code, this includes:

- Where feasible existing hedgerows and trees situated along the site perimeter and field boundaries will be retained and enhanced,
- A green corridor of informal open space should link the north eastern corner of the site,
- Street trees should create a distinctive avenue along the main entrance into the site,
- Opportunities for other areas of ecological habitat creation should include species rich grassland, native trees and shrubs and wetland within SuDS basins,
- Proposed planting of larger scale specimen trees,
- The open space along the Rural Edge should accommodate a bridleway, which forms part of a cohesive network of recreational routes,
- The Rural Edge should be designed to allow natural surveillance over the open space from nearby dwellings and residential streets.

**14.5.4** Having reviewed the Design and Access Statement, Landscape Masterplan and other associated documents it is considered the proposed landscaping is appropriate for the development. No objections of further recommendation have been raised by the Council's Landscape Officer.

**14.5.5** As such taking into consideration the details above it is considered the landscaping details are appropriate in the context of the character of the site and accords with ULP Policies S7, GEN2 and the NPPF.

#### **14.6 D) Affordable Housing**

**14.6.1** Policy H9 states that the Council will seeks 40% affordable housing. This equates to 67 dwellings which is proposed to be provided as part of this development and was secured by the S106 agreement in the outline planning permission. In consideration of the number of units, size and location of the affordable housing is acceptable and in accordance with aims of the ULP Policy H9, SWNP- Policy SW5.

#### **14.7 E) Nature Conservation**

**14.7.1** Policy GEN7 and paragraph 185 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands.

**14.7.2** Policy SW11 of the Neighbourhood Plan considers ecological requirements for all new development.

**14.7.3** The Council's Ecology Consultant has reviewed the ecology appraisal submitted with the application and confirm they are satisfied that there is sufficient ecological information to determine the application. It is noted there are several conditions relating to ecology attached to the outline planning permission including:

- Works to be in accordance with the ecology appraisal,
- Submission of farmland bird mitigation strategy,
- Submission of Biodiversity Net Gain Design Stage Report
- Biodiversity management plan,
- Biodiversity enhancement plan,
- Lighting scheme.

These will enable the LPA to demonstrate its compliance with Statutory duties including its biodiversity duty under s40NERC Act 2006.

**14.7.4** Subject to the imposition of conditions it is considered the proposed development will not have a harmful impact on protected species or biodiversity and is in accordance with Policies GEN7, ENV8 and SW11 of the Neighbourhood Plan and the National Planning Policy Framework.

## **14.8 F) Noise sensitive development and disturbance**

**14.8.1** Due to the location of the application site being in close proximity to the Thaxted Road due consideration should be made to the future occupiers of the development regarding noise and disturbance.

The application has been assessed by the Council's Environmental Health Officer, who has advised that noise from the skate park has not been assessed appropriately and is likely to have a significant impact upon the future users of the proposed development without the appropriate mitigation.

**14.8.2** ULP Policy ENV11 considers noise sensitive development and advises Housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance. This will be assessed by using the appropriate noise contour for the type of development and will take into account mitigation by design and sound proofing features.

**14.8.3** ULP Policy GEN2 (Design) considers whether the proposed development provides an environment, which meets the reasonable needs of all potential users.

**14.8.4** Although the principle of the development of this site has been approved subject that it is in accordance with the submitted noise survey, this current application considered the reserved matters of layout. Due to the location of the proposed dwelling and particular in regards to plots 4-8 in relation to the nearby skate park it is considered additional noise surveys and noise mitigation would be required prior to determining the application.

**14.8.5** It is noted the applicant has provided an additional response dated 10-6-2024 and is included at appendix 5 of this report. The Council's Environmental health officer has also considered this information and provided a rebuttal under appendix 6 of this report

**14.8.6** Skate park noise typically primarily consists of two types of noise; noise emanating from the interaction between the skateboards wheels and the skate park surface "rolling noise" this is typically experienced as a continuous rumbling type noise; and noise emanating from impacts of the skateboard wheels, or more commonly deck, against the skate park surface "impact noise" this is typically experienced as transient impulsive noises, and generally arises from the performance of tricks, whether successfully completed or failed. There may also be similar noise from scooters and BMX bike use. Other sources of noise emanating from skate parks typically include voices from the users of the facility and sometimes music or tannoy noise either from users or during events.

**14.8.7** It is considered the potential noise impact from the skate park should be addressed as part of the reserved matters application. There is insufficient

information on the potential impacts of skate park noise on future residents and the proposed appearance, landscaping, layout and scale of the development may need to be revised to mitigate noise impacts.

**14.8.8** As such taking into consideration both the applicants additional noise statement and comments received from the Council's the proposed development is not in accordance with ULP Policies ENV10 and GEN2 in regards to noise sensitive development and the provision of an environment that meets the reasonable needs of all potential uses and would not have a material adverse impact effect on the reasonable occupation of the residential properties. Due considerations also made to paragraph 191 of the NPPF which advised planning design should the living conditions that arise from the development.

## **14.9 G) Climate Change**

**14.9.1** Following the recently adopted UDC Interim Climate Change Policy 2021 due consideration should be made by developer to demonstrate the path that their proposals take towards achieving net – zero carbon by 2030, and all the ways their proposal are working towards this in response to planning law, and also to the guidance set out in the NPPF and planning policy guidance.

**14.9.2** The outline planning application includes a condition that requires the submission of details for the provision of domestic heating from a renewable source of energy, which may include but not be limited to the installation of PV solar panels shall be submitted to and approved prior to the occupation of the development.

**14.9.3** The proposed energy strategy submitted with the outline planning permission demonstrates a combined on-site regulated CO2 reduction of 59% (Part L 2021 Baseline).

**14.9.4** The location of the site is part of a sustainable extension to Saffron Walden, the site will have undergone extensive assessment to ensure the most suitable and sustainable location for growth, as per the approved outlined planning permission.

**14.9.5** The proposal takes into consideration the existing landscape working with the existing topography of the site to avoid regrading of the site and the need to export land from the site, this limits the impacts on climate change.

**14.9.6** The drainage solution adopted for the site make suitable provision to ensure no detriment to local water supply. The units are designed achieve average water consumption.

**14.9.7** The proposed landscaping scheme includes extensive planting of native trees, shrubs and areas of open grassland as well as extensive hedgerow planting.

**14.9.8** The development is in accordance with the Interim Climate Change Policy 2021, Local Plan Policy GEN2 and the NPPF

**14.10 H) Heritage**

**14.10.1** Policy ENV2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.

**14.10.2** The Council's Heritage Officer has advised the proposals would not result in harm to the nearest listed building (Barn at Herbert's Farm Grade II; list entry number 1205692) or the Saffron Walden Conservation Area, in accordance with Local Plan Policy ENV2 and the NPPF.

**14.10.3** In accordance with Policy ENV4 of the adopted Local Plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.

**14.10.4** A recommendation of programme of archaeological investigation has been completed, it is confirmed these matters have been secured by condition on the outline planning permission and therefore the proposal is in accordance with ULP Policy ENV4 and the NPPF.

**14.11 I) Consideration of Conditions**

**14.11.1** This application also consider the following conditions imposed on approved S62a application- UTT/22/3258/PINS (s62A/2022/0014)

Condition 24 (surface water drainage scheme)

Condition 27 (walking and cycling network)

**14.11.2** Condition 24 (surface water drainage scheme).

The submitted surface water drainage scheme has been reviewed by the Local lead Flood authority and is considered acceptable. As such condition 24 can be discharged in full.

**14.11.3** Condition 27 (walking and cycling network)

The submitted details including walking and cycling network within the site and access to Thaxted Road has been reviewed and is considered acceptable. As such condition 27 can be discharged in full.

**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** Taking into consideration both the applicants additional Noise Statement and comments received from the Council's the proposed development is not in accordance with ULP Policies ENV10 and GEN2 in regards to noise sensitive development and the provision of an environment that meets the reasonable needs of all potential uses and would not have a material adverse impact effect on the reasonable occupation of the residential properties. Due consideration also made to paragraph 191 of the NPPF which advised planning design should the living conditions that arise from the development

**16.2 RECOMMENDATION- REFUSE**

**16.3 REFUSAL REASON:**

The details of reserved matters does not include sufficient information to assess the harmful effect of noise from the nearby skate park. The proposal is therefore

in conflict with ULP Policies ENV10, GEN2 and paragraph 191 (a) of the NPPF, which considers noise sensitive development and whether the development provides an environment that meets the reasonable needs of all potential uses and would not have a material adverse impact effect on the reasonable occupation of the residential properties.

## **APPENDIX 1 - The Highways Authority**

Thank you for re-consulting us on the above application. The highway authority have reviewed the latest submission of plans, and have the following comments to make:

- We welcome the amendments made to the walking and cycling network plan following our previous comments
- We have commented on the basis that the internal estate roads will not be adopted
- It is our understanding that the drawing number that the condition should relate to is 3118/A/1202/PL/D and that this is a typographical error on the decision notice and have commented on that basis.

Condition 27 states “Concurrent with the reserved matters planning application, a scheme showing the walking and cycling network within the site and access to Thaxted Road, as shown in principle in drawing number 3118/A/1020/PL/D including the Multi-user Green Route, shall be provided. The scheme shall provide details of any necessary surfacing, signing and lighting and shall be submitted to and approved in writing by the Local Planning Authority. The footway/cycleways shall be constructed in accordance with the approved scheme and made available for use prior to the occupation of the first dwelling hereby permitted.”

We still have the following concerns:

- Drawing 3118/A/1202/PL/D indicated a ‘pedestrian/cycle path’ adjacent to the ‘indicative primary access road’ at the site access from Thaxted Road. On the submitted drawing 23 0067-13 H (revised walking and cycling network plan) this is only marked as a ‘walking route’ – this submission does not contain an explanation as to this change from the ‘in principle’ network. Condition 26 of the planning permission sets out that the access should include ‘shared pedestrian/cycleway minimum effective width 3.5m’ which does not appear to be the case – unless the intention is to provide this shared facility at the access only and not extend it into the site at all (contrary to the two drawings mentioned in the condition wording - 22078/006 Rev D and 007B). Not providing this facility suggests that cyclists would be expected to travel on carriageway and/or to travel back on themselves using the new facility along the site frontage on Thaxted Road entering the site further south? Clarity on this matter is requested.
- Drawing 3118/A/1202/PL/D indicated a route from the end of the estate road to the orbital greenway in the south-west of the site which is now marked as ‘informal pedestrian path’ on the submitted drawing 23 0067-13 H (revised walking and cycling network plan) however, drawings L21041.04.0 Rev D (hard landscape proposals drawing 2 of 2) and L21041.02.0 Rev E (soft landscape proposals drawing 2 of 2) show that this would not be a fully-surfaced route, crossing a grassed area. The applicant should consider continuing the self-binding gravel to the surfaced parking area to complete the connection.

As per our earlier response, we have no comments to make in relation to Condition 24 (surface water drainage scheme).

Chase New Homes  
8 Parkway  
Warren Garden City  
A11 8TG

**CHASE**  
NEW HOMES

*The Eastwood is Building*

01707 860 860

- location of HA plots rental
- location of HA shared ownership plots

**Total Affordable Housing Plots – 67 no. dwellings (40% of scheme)**

**Shared Ownership Plots – 20 no. dwellings, or 30%, comprising 9 houses and 11 apartments**

**Affordable Rent Plots - 47 no dwellings or 70%, comprising 20 houses and 27 apartments**

**6% of Affordable Dwellings will be delivered as M4(3) compliant**



**Site tenure plan-HA locations**  
1 : 1250

PROJECT NAME PROJECT NUMBER PROJECT DATE PROJECT LOCATION PROJECT STATUS	
DRAWN BY CHECKED BY DATE	
TITLE Site tenure plan-HA locations	
PROJECT The Eastwood, Warren Garden	
DRAWING NUMBER <b>23 0067.7 H</b>	