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**Section 62A Applications Team, The Planning Inspectorate, S62A/2024/0051**

To whom it may concern

Please accept the following as Saffron Walden Town Council's (SWTC) response to application: S62A/2024/0051 Land West of Thaxted Road Saffron Walden, Application for Approval of Reserved Matters following Outline Approval, Erection of 168 dwellings with associated landscaping and parking, as considered at its Planning and Transport Committee meeting held on Thursday 8<sup>th</sup> August 2024.

A copy of this response will also be provided to Uttlesford District Council (UDC) for the consultation, reference: UTT/24/1732/PINS.

For context to this response, SWTC responded to the initial detailed application UTT/23/2962/DFO (which was refused by Uttlesford District Council in July 2024) and copies of the SWTC responses are attached (appendices one and two). SWTC also spoke at the Uttlesford District Council Planning Committee Hearing, a copy of the points raised is attached (appendix three).

At its 8 August 2024 meeting, the SWTC Planning and Transport Committee resolved to object to this application due to the below grounds, these being similar to those raised under application UTT/23/2962/DFO.

Reasons for objection:

- a. The affordable housing layout is not distributed in accordance with:
  - i. The Saffron Walden Neighbourhood Plan (SWNP) policy SW2
  - ii. Uttlesford Design Code 2024 policies U1.8c, U1.9c and U1.10c, requiring affordable housing to be well distributed throughout developments.
  - iii. Regulation 19 Uttlesford Local Plan Core Policy 56 requiring affordable housing to be distributed throughout developments.
- b. The Public Open Space provision is of poor quality in contrary to:
  - i. The Uttlesford Local Plan 2005 policy (ULP) GEN6
  - ii. SWNP policy SW17 and paragraph 11.3.8.
  - iii. Uttlesford Design Code 2024 P1.1c and N.1.9c requiring sensory play areas for people of all ages integrated within the open space network, with a clear management strategy (N1.11c).
  - iv. Regulation 19 Uttlesford Local Plan Core Policy 67 requiring new public open spaces to provide high quality provisions, the current proposals do not include a play area.

- c. The proposed sustainable transport connections are of poor value, not demonstrating support for active travel, the proposals breach:
  - i. ULP GEN1(c)
  - ii. SWNP SW12, SW3 and paragraphs 96 and 108.
  - iii. Uttlesford Design Code 2024, policies M2.2c, M2.6c, M2.7c, M2.8c
  - iv. Regulation 19 Uttlesford Local Plan Core Policy 26 requires sustainable transport measures be prioritised in new developments.
- d. Insufficient noise mitigations in relation to the neighbouring skate park. The proposal conflicts with:
  - i. SWNP SW3(5a)
  - ii. ULP ENV2, GEN2

The Environmental Health Officers comments (dated 24 May 2024 Appendix 2) correctly cite the National Planning Policy Framework paragraph 193 which states *new development should integrate effectively with existing community facilities... facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.*



SWTC as the owner of the skate park raises these concerns to ensure the future use of the skate park is protected and unaffected. The development, as the agent of change, must provide suitable mitigations. The hedgerow between the development site and the skate park (identified to the left) is managed by SWTC. The hedge is maintained to a suitable height to ensure the sunlight reaches the skatepark bowl, allowing the bowl to dry during inclement weather. Growing the hedgerow higher as a noise mitigation measure would not be suitable because it would be at the detriment of the skatepark maintenance routine.

This is because green algae spreads by attaching and clinging itself to hard surfaces, and it will begin to grow on cement or concrete when the surface stays constantly damp. Although algae itself does not damage the structural stability of the cement or concrete, it can still cause problems.

Algae growth on concrete is primarily caused by environmental factors such as moisture, shade, and organic debris. When outdoor concrete surfaces are exposed to damp conditions with limited sunlight, algae find the perfect breeding ground. The presence of fallen leaves, dirt, or other organic matter can further promote algae growth by providing nutrients for their development. It's important to note that algae thrive in humid environments and can quickly spread across concrete surfaces if left untreated. Algae not only create unsightly green or black stains on concrete but also pose potential safety hazards due to the slippery surface they create when wet. These slimy patches can make walking on the affected areas dangerous, especially after rain or irrigation. Moreover, algae growth can lead to discoloration and deterioration of the concrete over time if not addressed promptly. For these reasons growing the hedgerow as a noise mitigation would not be a suitable noise mitigation measure.

Whilst writing it must be noted SWTC has submitted a formal Public Right of Way application to Essex Legal Services, the proposed route of which goes across the application site (see map of proposed route on page 5). The applicant was formally notified of this on 8 December 2023 and Essex Legal Services confirmed receipt of the application in January 2024.

Notably, should a hearing take place, subject to availability, SWTC would like to speak.

Kind Regards

Saffron Walden Town Council

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## Appendix one - SWTC initial response to UTT/23/2962/DFO

### UTT/23/2962/DFO SWTC response

11 January 2024

This is the formal response of Saffron Walden Town Council (SWTC) to planning application UTT/23/2962/DFO as agreed at its Planning and Transport Committee meeting held on Thursday 14<sup>th</sup> December 2023.

### Major Continuing Objections

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

- Positioning of the affordable housing.
- Limited, poor quality open space provision.
- Layout for sustainable transport.

All of these were objections raised at the outline application stage. We are concerned that the necessary changes have not been made.

The Decision Notice states (para 32): “A number of concerns were raised in relation to the proposed layout of the public open space; affordable housing mix and location; height and layout; access routes through the site and their ability to connect into the wider footpath network. The application is for outline consent with all matters except access reserved consequently [...] As a result, the concerns outlined above would be considered at the Reserved Matters stage.”

These matters, therefore, need appropriate consideration now.

### Affordable Housing – not distributed.

The Site Tenure Plan (below) illustrates the location of the affordable housing all in one cluster and, therefore, not properly dispersed throughout the development contrary to the Saffron Walden Neighbourhood Plan (SWNP) or sited in the highest flood risk area, next to the sustainable drainage system (SUD)/ attenuation bowl.



SWNP Policy SW2 states: “affordable housing units will be distributed through the development in appropriately sized, non-contiguous clusters”. This proposal does not meet the SWNP, as it locates all the affordable houses at the East of the site.

### **Public Open Space (POS) – limited and poor quality**

There is limited POS provision and what is available is of poor quality.

SWNP paragraph 11.3.8 states, “the litmus test question for whether a site is suitable for consideration as an open space for informal recreation is: ‘Can several people use it at once for activities such as flying a kite and throwing a ball for a dog?’. If the answer is no, then it is likely to be too small to be useful for and counted as recreational space.”

The POS does not pass this litmus test because there is no suitable room to play outside, nor is there any play equipment provided; so it cannot even be associated as a LAP (local area for play). This is a prime example of land ‘left over’ as described in 11.3.6 of the SWNP: “small parcels of land which are ‘left over’ from the developer’s preferred layouts”. This means the POS is of limited recreational value and as such the site does not comply with the Uttlesford Local Plan (ULP) GEN6 which notes: “development will **not** be permitted unless it makes provision for community facilities”. No community facilities are provided on- or off-site. Para 5.14 of the Planning Design and Access Statement refers to an “attractive pocket park” but again in reality this is left-over space that is not usable or affective POS.

Section 3.2 of the provided Landscape Statement asserts: “Public open space within Thaxted Meadows comprise; 1. Grassland tolerant of seasonable flooding with wildflower drifts within the infiltration basin [...] to remain open within the flood conveyance corridor...” However, this is NOT public open space but a SUD infiltration basin and it cannot be included within the POS calculation. It does not pass the adopted SWNP litmus test for POS, nor does it comply with SWNP Policy SW17 which requires that “amenity green space must be in a single well-placed location and NOT divided into small pockets”.

Whilst the planning design and access statement refers to the southern boundary of the site and wider countryside providing a strong vegetative edge this is NOT on-site POS which must be provided to comply with ULP GEN6.

The Decision Notice states (para 42): “the Applicant highlighted that the Proposed Development would provide public open space [...] This space would include recreation and play areas”. However, the detailed application as presented does not include a play area as it must do to support recreational play.

### **Sustainable Transport Links – poor walking/cycling layout and connectivity**

The walking and cycling network plan show three walking and/or cycling routes adjoining Thaxted Road. However, the walking route furthest North (adjacent to the skate park) should also be a cycling route to reduce the distance riders will need to cycle on Thaxted Road. Chapter 9 of the NPPF requires development to prioritise pedestrian and cycle movements.

The layout is poor, as it does not support the connectivity principles detailed in chapter 8 (96a) of the National Planning Policy Framework (NPPF) which require “street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages”.

SWTC supports the concerns raised in the submission by the Urban Design Officer dated 18.12.2023, regarding the wider connections, streets legibility and wayfinding and the walking and cycling network, which states:

- “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.”*

The application, therefore, breaches SWNP Policy SW3, statement 4 of which requires that *“Developments must demonstrate that they [...] (e) Create well connected and accessible new streets which provide for a rich choice of routes, prioritising and encouraging active and sustainable travel.”* This application does **not** demonstrate future well-connected pedestrian and cycle routes and connections but places heavy reliance on private driveways.

### **Conclusion**

**For the reasons set out above SWTC continues to object to the proposal.**

The POS and affordable housing locations are not compliant with the SWNP, nor does the layout support sustainable transport (breaching the NPPF). The application as presented must, therefore, be refused in order to comply with planning policies.



In addition, it must be noted that SWTC has submitted a formal Public Right of Way application to Essex Legal Services, the proposed route of which goes across the application site (see map of proposed route below) . The applicant was formally notified of this on 8 December 2023.

**Appendix two - SWTC second response to UTT/23/2962/DFO**

*Sent via email Monday, June 17, 2024 11:40 AM*

*Please accept the following as an additional response to application UTT/23/2962/DFO as considered at the 13.06.24 planning committee meeting.*

*Committee noted the application has been deferred by Uttlesford District Council Planning Committee, in light of the comments received from Environmental Health regarding the concern around the noise from the Skate Park affecting the dwellings.*

*Resolved: To submit an additional response to the application, echoing the noise and flood light concerns raised by Environmental Health, sufficient conditions for noise and lighting mitigations must be in place should the application be approved. Additionally, the flooding on Thaxted Road is an increasing concern at this site (GEN3).*

### **Appendix three - SWTC verbal representation at the UDC committee hearing for application UTT/23/2962/DFO**

*Good morning, Madam Chair and Committee members thank you for letting me speak today.*

*I am the Operations Manager for Saffron Walden Town Council.*

*I am speaking on behalf of the Town Council and the many users of the One Minet Skatepark regarding the Chase New Homes Thaxted Road application for 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.*

*The Skatepark was built by The Skatepark Group using public donations and grants in 2006, replacing a very well used tired old wooden ramp.*

*The project was fully supported by Uttlesford District Council.*

*The Planning and Housing Departments helping with the Parks design and overseeing the actual construction of the park.*

*The park is one of the Premier parks in England and is a cultural and sporting icon of Saffron Walden and Uttlesford.*

*Notably the Skatepark is not only used for skateboarding but also BMXing with the Gold Olympian Beth Shriever MBE visiting often. BMXing emits more noise given the use of the bikes on the edging of the bowls.*

*The Park is heavily used by all ages from 2 to 82, 7 days a week for not only Skateboarding, BMXing and Roller Skating but as a vocal meeting point where one can let of steam, make a noise, be free and make lifelong friends.*

*As an example, many years ago, a young girl was skating, and another young skater said "Who showed you to skate like that?" the reply was "My Dad" the young skater's reply was "That figures".*

*Now they are married and have a family of their own who frequently use the park.*

*You will have seen copies of Saffron Walden Town Council's previous objections, but I am here today to speak specifically regarding the noise mitigation concerns raised by environmental health, which I state, and I quote:*

*"it would be a serious mistake to not reconsider skatepark noise impacts."*

*Saffron Walden Town Council as the owner of the Skatepark fully supports these comments and is concerned the future of the Skatepark is at risk should appropriate noise mitigations not be enforced.*

*The NPPF paragraph 193 states, existing facilities should not have unreasonable restrictions placed on them as a result of a development permitted after they were established. The development here being the agent of change must provide suitable mitigations before the application is determined, mitigating the noise from the Skatepark and any future facilities on the area.*



*This is supported by the UDC Environmental Health officer who states it would be a serious mistake not to reconsider the Skatepark noise impacts and it must be properly considered before permission is granted.*

*Saffron Walden Town Council strongly supports the Uttlesford District Councils Environmental Health Officers recommendation for a further noise assessment to be completed prior to determination. It is important the noise mitigations are resolved, rather than attaching any planning conditions which history shows are weak and faces the risk of no enforcement at a later date.*

*The Neighbourhood Plan names the Skatepark a visitor attraction, well used by a variety of people within the community of all ages –The neighbourhood plan cites the lack of sporting provision and without the noise mitigation in place, the asset is at risk of reduced operating hours.*

*Without the appropriate noise mitigations in place, the future use of the park will be at risk of complaints and possible enforcement action resulting in reduced operating hours or at worst closure, this would be detrimental to the whole community.*

*The widespread representational harm to Saffron Walden Town Council and Uttlesford District Council caused by any such action because it did not address these concerns now are unimaginable.*

*The proposed layout and landscaping of the site must take into account the current use of the adjoining land and must not be allowed to be the agent of change to the detriment of the current uninhibited free enjoyment of all which has been the case since the initial park was situated on the site in the 1990s because of its isolated location.*

*I on behalf of Saffron Walden Town Council and the many many users of the park urge you to support your Planning Officers' recommendations in the refusal of this application. The mitigation measures must be sufficient to achieve acceptable noise levels within the new dwellings and private gardens, especially during the summer when windows are open, to the satisfaction of Environmental Health Officers, Saffron Walden Town Council and yourselves.*

*Thank you*