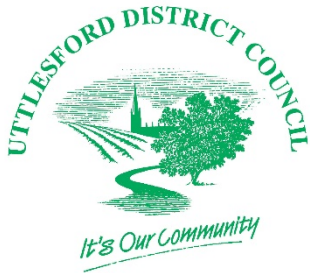


Agenda Item 6



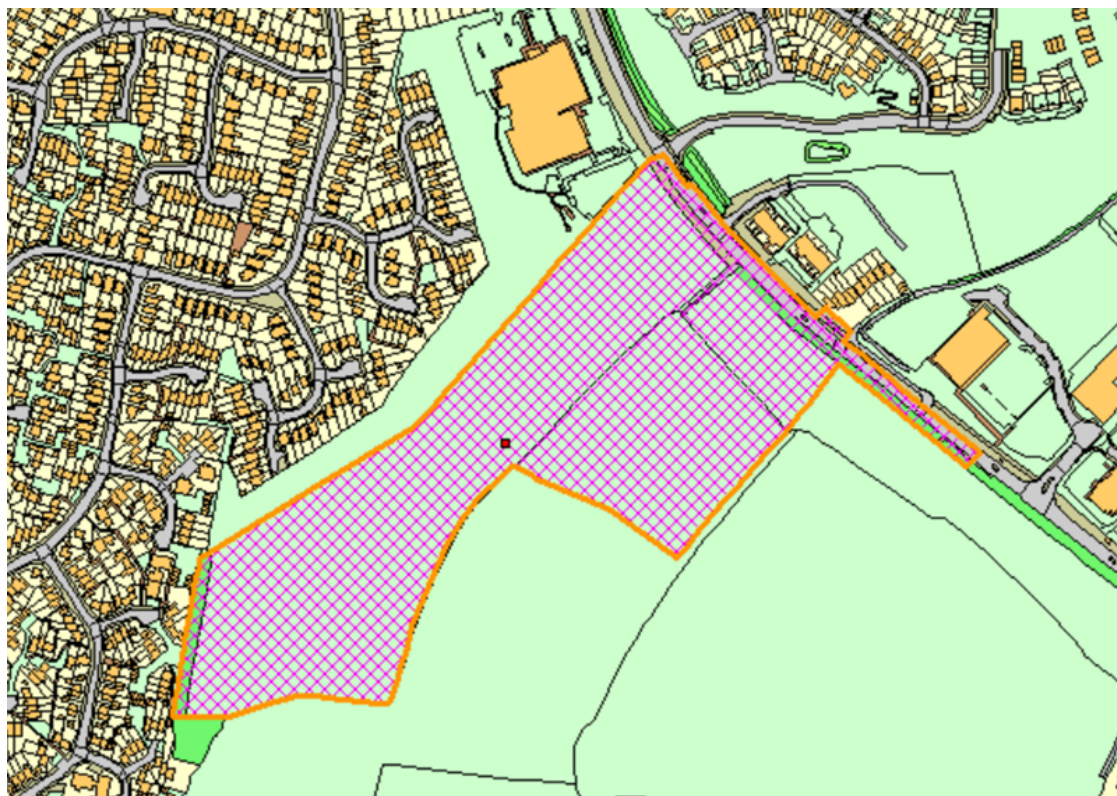
ITEM NUMBER: 6

PLANNING COMMITTEE DATE: 21 August 2024

REFERENCE NUMBER: UTT/24/1732/PINS

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

SITE LOCATION PLAN:



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0100018688

Organisation: Uttlesford District Council Date: 1 August 2024.

PROPOSAL: Consultation on S62A/2024/0051

Approval of reserved matters following outline approval for the erection of 168 dwellings with associated landscaping and parking pursuant to application S62A/2022/0014

APPLICANT: Chase New Homes

AGENT: Barker Parry Town Planning Ltd

EXPIRY DATE: 30 August 2024

EOT Expiry Date N/A

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: This is a report in relation to a major (full) planning application submitted to the Planning Inspectorate (PINS) for determination.

Uttlesford District Council (UDC) has been designated by Government for poor performance in relation to the quality of decisions making on major applications.

This means that the Uttlesford District Council Planning Authority has the status of a consultee and is not the decision maker.

1. RECOMMENDATION

That the Director of Planning be authorised to advise the Planning Inspectorate that Uttlesford District Council make the following observations on this application:

Details are to be outlined by the Planning Committee.

2 SITE LOCATION AND DESCRIPTION:

2.1 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

- 2.2** The site is formed by three distinct fields currently in arable production and free of any established built form. Mature vegetation in the form of established hedgerows and medium size trees are located along the boundaries of the site and internally splitting the fields.
- 2.3** 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.
- 2.4** 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.

3. PROPOSAL

- 3.1** 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.
- 3.2** 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.
- 3.3** The current reserved matters application seeks approval for the detailed elements of the scheme comprising:
- 3.3.1** 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.
- 3.3.2** 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.
- 3.3.3** Scale – the height, width and length of each building proposed within the development in relation to its surroundings.
- 3.3.4** 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

3.4 The proposal will include the following housing scheme:

Private Sale 60% (101 Units).
Affordable 40% (67 Units)

3.5 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
Total	47 (27.9%)	20 (8.4%)	101 (60.1%)	168 (100%)

3.6 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.

3.6.1 Also included with the application:

- Landscape Statement
- Arboricultural Impact Assessment
- Drainage Strategy

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

5. **RELEVANT SITE HISTORY**

5.1

Reference	Proposal	Decision
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 th 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 th May 2023
UTT/23/2962/DFO	Details of reserved matters 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	Refused 4 th July 2024 Noise impact from the skate park, Not in accordance with UDC Parking standards, The design of the pedestrian access does not include

	drainage scheme) and 27 (walking and cycling network) of UTT/22/3258/PINS (s62A/2022/0014).	provision for a cycle path.
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6. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 6.1** The LPA engaged in pre application discussions prior to the submission of the outline planning application (UTT/22/3258/PINS) it is officers' opinion that the principle of the development of the site could be considered appropriate when one applies the tilted balance.
- 6.2** 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.
- 6.3** Further work was 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.
- 6.4** 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.

7. STATUTORY CONSULTEE RESPONSES

- 7.1** All statutory consultees are required to write directly to the Planning Inspectorate (PINS) (and not the Local Planning Authority).
- 7.2** 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.
- 7.3** It is noted no statutory consultee comments have been received. It should be noted however that the comments received during the assessment of the recent similar Reserved Matters application submitted to the LPA to assess has been outlined within the officer's report to UTT/23/2962/DFO and is attached in the Appendix for information.

8. PARISH COUNCIL

8.1 These should be submitted by the Parish Council directly to PINS within the 21-day consultation period.

9. CONSULTEE RESPONSES

9.1 Essex County Council – Archaeology

9.1.1 No Objections subject to conditions for the submission of an archaeological excavation (to be submitted within six months of this approval, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

10. REPRESENTATIONS

10.1 The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying a site notice. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS.

10.2 UDC has no role in co-ordinating or receiving any representations made about this application. It will be for PINS to decide whether to accept any representations that are made later than 21 days.

11. MATERIAL CONSIDERATIONS

11.1 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.

11.2 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,;

(a) 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.

11.3 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. The Development Plan

12.1 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 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

13.2.1 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

13.3.1 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

13.4.1 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)
 Uttlesford Design Code (2024)

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**

14.3 A) Layout of the development

14.3.1 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.

- 14.3.2** 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
- 14.3.3** 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.
- 14.3.4** 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.
- 14.3.5** The green space adjacent to the main entrance will give access to the proposed flats in the north-eastern 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 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

14.3.11 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.

14.3.12 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

14.3.13 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

14.3.14 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 as part of the UTT/23/2962/DFO application due to the proposed drainage

and SUDs features. No objections were 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.

- 14.3.15** The layout of the access to the site was considered and approved in the approved outline planning application s62A/2022/0014 however it is noted the pedestrian access adjacent to the primary access road at the site access from Thaxted Road does not include provision for a cycle path and therefore cyclists would be expected to travel to alternative access / exist points. The internal walking routes provides a curvilinear and circuitous walking route along the primary road through the site and does not support an active travel approach. This is not in accordance with the aims of Uttlesford Local Plan Policy GEN1 (C) Saffron Walden Neighbourhood Plan Polices SW12 (2a), SW3 (4e) and Paragraphs 96 and 108 (C).
- 14.3.16** The layout of the proposed development considers the proposed parking arrangement/ 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.
- 14.3.17** 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.
- 14.3.18** Although the proposal accords with Essex Parking Standards in terms of parking numbers the proposal is not in accordance with Uttlesford Residential Parking Standards 2013. The proposed 4 bedroom properties include 2 parking spaces whereas 3 spaces are required to accord with Uttlesford Residential Parking Standards 2013. Therefore results in a deficit of approximately 40 parking spaces. The lack of this required provision would result in vehicles parking on the highway, which would interfere with and result in an unacceptable degree of hazard to the highway users, to the detriment of highway safety. This is in conflict with Uttlesford Local Plan Policies GEN1, GEN8, SPD- Uttlesford Residential Parking Standards 2013, Saffron Walden Neighbourhood Plan Policies SW3 (5d), SW4 and the National Design Guide.

14.3.19 In regard to the layout of the parking this includes a number of plots with triple tandem parking arrangements. Although this does provide adequate off-street parking this would be in conflict with part M3.11 C of the Uttlesford Design Code and Policy SW4 of the Saffron Walden Neighbourhood Plan.

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. 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 reviewed the ecology appraisal submitted with the previous application (UTT/23/2962/DFO) 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 Reserved Matters application UTT/23/2962/DFO was 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 regard 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 the UTT/23/2962/DFO 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 Environmental Health Officer the proposed development is not in accordance with ULP Policies ENV10 and GEN2 in regard 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 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 ways their proposal is working towards this in response to planning law, and also to the guidance set out in the NPPF and Planning Policy Guidance. The applicant has included detail within the planning statement how the proposal accords with this policy as set out in the following points.
- 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 during the previous planning application 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, 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.

15 **CONCLUSION**

- 15.1** Due to the nature of this application process, it is not possible to provide a detailed assessment of any traffic and transportation, design considerations relating to this proposal. Neither have any neighbour considerations been factored into this assessment.

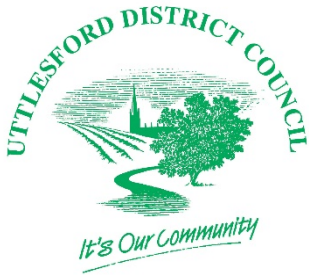
- 15.2** The Case Officer's assessment of the application considers the following concerns, these are consistent with the refusal of the previous reserved matters application UTT/23/2962/DFO, the concerns raised include:

- 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, Saffron Walden Neighbourhood Plan Policy SW3 (5a) 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.
- The layout of the development does not provide sufficient parking provisions and is not in accordance with the adopted Uttlesford Residential Parking Standards 2013. The lack of such provision would result in vehicles parking on the highway, which would interfere with and result in an unacceptable degree of hazard to the highway users, to the detriment of highway safety. This is in conflict with Uttlesford Local Plan Policies GEN1, GEN8, SPD- Uttlesford Residential Parking Standards 2013, Saffron Walden Neighbourhood Plan Policies SW3 (5d), SW4 and the National Design Guide.
- The pedestrian access adjacent to the primary access road at the site access from Thaxted Road does not include provision for a cycle path and therefore cyclists would be expected to travel to alternative access / exist points. The internal walking routes provides a curvilinear and circuitous walking route along the primary road through the site and does not support an active travel approach. This is not in accordance with the aims of Uttlesford Local Plan Policy GEN1 (C) Saffron Walden Neighbourhood Plan Polices SW12 (2a), SW3 (4e) and Paragraphs 96 and 108 (C).

- The layout of the parking includes a number of plots with triple tandem parking arrangements. Although this does provide adequate off street parking this would be in conflict with part M3.11 C of the Uttlesford Design Code and Policy SW4 of the Saffron Walden Neighbourhood Plan.

15.3 The unique application process that is presented by this submission, requires the Local Planning Authority to advise the Planning Inspectorate whether or not it objects to this proposal. Having regard to the limited opportunity to consider the proposals the Planning Committee is invited to provide its comments on this proposal.

APPENDIX 1- UTT/23/2962/DFO COMMITTEE REPORT



ITEM NUMBER:

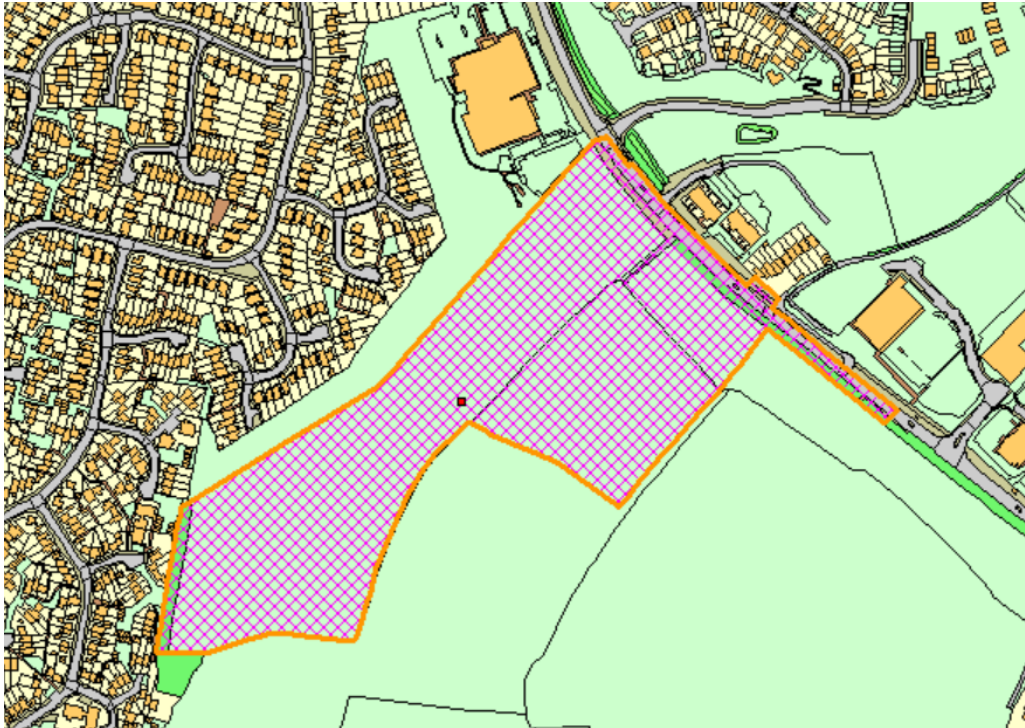
PLANNING COMMITTEE 26 June 2024

DATE:

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: Chris Tyler

NOTATION: Outside Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application

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 Environmental Health Officer in 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 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.

2. RECOMMENDATION

REFUSE for the reasons set out in section 17.

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
Total	47 (27.9%)	20 (8.4%)	101 (60.1%)	168 (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**

6.1

Reference	Proposal	Decision
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 th 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 th 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 None received.

9. TOWN COUNCIL COMMENTS

9.1 None received

10. CONSULTEE RESPONSES

10.1 None received

11. REPRESENTATIONS

11.1 Site notice/s were displayed on site and 398 notifications letters were sent to nearby properties.

11.2 **Support**

11.2.1 N/A

11.3 Object

11.3.1 N/A

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 are 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).

APPENDIX 2 - Environment Agency

Water Resources

The location of this development is in an area of serious water stress (as identified in our report Water stressed areas - final classification (<https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>)).

Developments have the potential to increase demand for water and could result in increased abstraction from groundwater sources, which could pose a risk of causing deterioration to the ecology of surface water bodies. Deterioration can include compromising the improvement measures being delivered by attending Affinity Water. It must be demonstrated that the water required for this development can be provided without causing deterioration of WFD targets.

It should also be noted that Affinity Water is heavily reliant on the success of demand management measures to maintain customer supplies until new strategic sustainable supplies of water can be developed. Planning applications should seek to achieve greater water efficiency and re-use in their designs wherever possible to help the companies meet their water efficiency targets. It is possible either us or yourselves will seek to secure water efficiency and re-use schemes or require further detail via planning conditions.

There is currently an Uttlesford development plan in progress and we would recommend that this is studied in detail prior to moving forward. We would support developers seeking a high level of water efficiency in new developments beyond the 110 l/h/d standard. New developments should not detrimentally affect local water features (including streams, ponds, lakes, ditches, or drains) this includes both licensed and unlicensed abstractions. There are 2 abstraction licences within a 1 km radius of the Thaxted – these must not be disturbed by the development.

Certain private and small water supplies do not require a licence to abstract water, therefore we are not necessarily aware of their existence. The locations of private domestic sources may be held by the local authority on the register required by Regulation 14 Private Water Supplies Regulations 2016.

Any water required as part of the construction and its source needs to be considered. Most water related construction activities, including dewatering and dust suppression are licensable activities and as such, early consideration should be given to where the water can be sourced from if the water company isn't the provider. New consumptive groundwater licences are not available and surface water is restricted to high flows only. Dewatering will need to demonstrate that it is non-consumptive to the local environment to be licensed and new licensed water for dust suppression will be severely restrictive.

Environmental Permits for Flood Risk Activities

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- on the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

APPENDIX 3- Lead Local Flood Authority

Consultation Response –UTT/23/2962/DFO – Land West of Thaxted Road, Saffron Walden

Further to my letter of 19/03/24, we have received additional information from the applicant which provides this Council with the opportunity to re-assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we **do not object** to the granting of planning permission based on the following:

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy by Rolton Group, ref 220222-RGL-ZZ-XX-RP-C0002 Rev S2-P06 dated 28/02/23 as amended by Drainage Strategy Report by Infrastructure Design Ltd, ref IDL/1187/DS/001 Rev P03 dated 02/02/24 and the following measures detailed within the FRA:

- Infiltration testing in line with BRE 365 to be carried out at the location of the centre of the proposed infiltration basin.

- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.
- Design and planting of the bio-retention basin to be in accordance with CIRIA C753 Chapters 18 and 22.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective treatment of surface water runoff to prevent pollution.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures [Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/flood-risk-assessments-climate-change-allowances)

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Appendix 4- Accommodation Table

PLOT	TYPE/NAME	BEDS	TENURE	PARKING
1	BEECH	3B	HA	2
2	BEECH	3B	HA	2
3	BEECH	3B	HA	2
4	BEECH	3B	HA	2
5	BEECH	3B	HA	2
6	BEECH	3B	HA	2
7	BEECH	3B	HA	2
8	BEECH	3B	HA	2
9	ASPEN	3B	HA	2
10	ASPEN	3B	SALE	2
11	WILLOW	4B	SALE	2
12	WILLOW	4B	SALE	2
13	MULBERRY	2B	HA	2
14	MULBERRY	2B	HA	2
15	MULBERRY	2B	HA	2
16	MULBERRY	2B	HA	2
17	BEECH	3B	HA	2
18	BEECH	3B	HA	2
19	BEECH	3B	HA	2
20	BEECH	3B	HA	2
21	BIRCH	4B	HA	2
22	BIRCH	4B	HA	2
23	BUNGALOW	2B M4(3)	HA	2
24	BUNGALOW	2B M4(3)	HA	2
25	BUNGALOW	1B M4(3)	HA	2
26	BUNGALOW	1B M4(3)	HA	2
27	MULBERRY	2B	HA	2
28	MULBERRY	2B	HA	2
29	MULBERRY	2B	HA	2
30	MULBERRY	2B	HA	2
31	MULBERRY	2B	HA	2
32	MULBERRY	2B	HA	2
33	WILLOW	4B	SALE	2
34	WILLOW	4B	SALE	2
35	WILLOW	4B	SALE	2
36	WILLOW	4B	SALE	2
37	ASPEN	3B	SALE	2

38	ASPEN	3B	SALE	2
39	ASPEN	3B	SALE	2
40	ASPEN	3B	SALE	2
41	ASPEN	3B	SALE	2
42	ASPEN	3B	SALE	2
43	ASPEN	3B	SALE	2
44	ASPEN	3B	SALE	2
45	MULBERRY	2B	SALE	2
46	MULBERRY	2B	SALE	2
47	MULBERRY	2B	SALE	2
48	MULBERRY	2B	SALE	2
49	WILLOW	4B	SALE	2
50	WILLOW	4B	SALE	2
51	WILLOW	4B	SALE	2
52	WILLOW	4B	SALE	2
53	ASPEN	3B	SALE	2
54	ASPEN	3B	SALE	2
55	ASPEN	3B	SALE	2
56	ASPEN	3B	SALE	2
57	ASPEN	3B	SALE	2
58	ASPEN	3B	SALE	2
59	ASPEN	3B	SALE	2
60	ASPEN	3B	SALE	2
61	ASPEN	3B	SALE	2
62	ASPEN	3B	SALE	2
63	WILLOW	4B	SALE	2
64	WILLOW	4B	SALE	2
65	MULBERRY	2B	SALE	2
66	MULBERRY	2B	SALE	2
67	MULBERRY	2B	SALE	2
68	MULBERRY	2B	SALE	2
69	MULBERRY	2B	SALE	2
70	MULBERRY	2B	SALE	2
71	MULBERRY	2B	SALE	2
72	MULBERRY	2B	SALE	2
73	WILLOW	4B	SALE	2
74	WILLOW	4B	SALE	2
75	WILLOW	4B	SALE	2
76	WILLOW	4B	SALE	2
77	WILLOW	4B	SALE	2
78	ASPEN	3B	SALE	2
79	ASPEN	3B	SALE	2
80	ASPEN	3B	SALE	2
81	ASPEN	3B	SALE	2
82	ASPEN	3B	SALE	2
83	ASPEN	3B	SALE	2

84	WILLOW	4B	SALE	2
85	WILLOW	4B	SALE	2
86	WILLOW	4B	SALE	2
87	WILLOW	4B	SALE	2
88	WILLOW	4B	SALE	2
89	WILLOW	4B	SALE	2
90	WILLOW	4B	SALE	2
91	WILLOW	4B	SALE	2
92	WILLOW	4B	SALE	2
93	WILLOW	4B	SALE	2
94	WILLOW	4B	SALE	2
95	WILLOW	4B	SALE	2
96	WILLOW	4B	SALE	2
97	WILLOW	4B	SALE	2
98	WILLOW	4B	SALE	2
99	WILLOW	4B	SALE	2
100	WILLOW	4B	SALE	2
101	WILLOW	4B	SALE	2
102	WILLOW	4B	SALE	2
103	WILLOW	4B	SALE	2
104	WILLOW	4B	SALE	2
105	ROWAN	5B	SALE	3
106	ROWAN	5B	SALE	3
107	ASPEN	3B	SALE	2
108	ASPEN	3B	SALE	2
109	ASPEN	3B	SALE	2
110	ASPEN	3B	SALE	2
111	ASPEN	3B	SALE	2
112	ASPEN	3B	SALE	2
113	ASPEN	3B	SALE	2
114	ASPEN	3B	SALE	2
115	OAK	4B	SALE	3
116	OAK	4B	SALE	3
117	OAK	4B	SALE	3
118	OAK	4B	SALE	3
119	OAK	4B	SALE	3
120	OAK	4B	SALE	3
121	BRONTE	4B	SALE	3
122	BRONTE	4B	SALE	3
123	ROWAN	5B	SALE	3
124	ROWAN	5B	SALE	3
125	ROWAN	5B	SALE	3
126	ROWAN	5B	SALE	3
127	ROWAN	5B	SALE	3
128	ROWAN	5B	SALE	3
129	ROWAN	5B	SALE	3

130	ROWAN	5B	SALE	3
131	FLAT	1B M4(3)	HA	1
132	FLAT	1B M4(3)	HA	
133	FLAT	1B M4(3)	HA	
134	FLAT	2B	HA	
135	FLAT	2B	HA	
136	FLAT	2B	HA	
137	FLAT	2B	HA	
138	FLAT	2B	HA	
139	FLAT	2B	HA	
140	FLAT	1B	HA	
141	FLAT	1B	HA	
142	FLAT	1B	HA	
143	FLAT	1B	HA	
144	FLAT	1B	HA	
145	FLAT	1B	HA	
146	FLAT	1B	HA	
147	FLAT	1B	HA	
148	FLAT	1B	HA	
149	FLAT	1B	HA	1
150	FLAT	1B	HA	1

APPENDIX 5- Applicant Noise Statement 10-6-2024

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Technical Note

Project: Thaxted Road, Saffron Walden
To: Chad Neaves, Chase New Homes
Subject: Response to EHO's Comments
From: Nigel Chandler
Date: 7th June 2024
Ref: 90582/TN02
cc:

Dear Chad,

We understand that you have submitted an application for addressing the Reserved Matters relating to the above site and have been sent comments regarding the previous assessment of potential noise from the existing adjacent skate park to the new homes. In their internal report¹ the environmental health department has suggested the following:

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*

Note:

The noise impact assessment shall have regard to the following guidance ;

- a) The Chartered Institute of Environmental Health (CIEH) guidance document 'Clay Target Shooting: Guidance on the Control of Noise' (2003)*
- b) World Health Organisation - Guidelines for Community Noise 1999 (WHO)*

It should be noted that there are no specific noise criteria or assessment methods intended for skate parks and the EHO's assertion that the Clay Target Shooting guidance is appropriate is an opinion and is not supported by any explicit policy. We do not believe that it is an appropriate methodology, for the following reasons:

1. The Clay Target Shooting guidance deals with noise emissions from a single source of events with very high noise levels (i.e. gunshots) and does not consider any other noise sources.
2. While there will be some variation in noise levels at any given receptor during a shooting session, due to the relative locations of firing points, the topography of intermediate ground etc, the source noise level of individual shots will be very similar (i.e. there is a high degree of repeatability of measurement and assessment for a given shooting range).

¹ reference UTT/23/2962/DFO, dated 24 May 2024

3. Noise levels due to shots, close to the shotgun(s), will be significantly above the ambient sound level from other sources, with the excess above ambient sound levels decreasing with increasing distance from the source. For range safety reasons the receptors are typically a long distance from the source.
4. Noise resulting from the skate park will be variable. The EHO has identified five source activities, but in practice noise levels from each of the activities would be highly variable and there would therefore be a low degree of repeatability of measurement and assessment.
5. Noise resulting from the skate park will be at a significantly lower source sound level than gunshots and will be significantly less impulsive in nature.

We therefore consider the BS4142:2014² method used in our assessment, while also not specifically intended for noise from skate parks, is more suitable than the Clay Target Shooting assessment method due to the relatively lower sound levels and the variability of the level and character of the noise source. We understand that no comments on the suitability of the method used were raised during the determination of the outline planning application.

Yours sincerely,

Nigel Chandler
For and on behalf of Noise Solutions Ltd

Appendix 6- Environmental Health Officer Comments 14-7-2024

I have the following comments on the Noise Solutions Ltd Technical Note dated 7th June 2024 (NSL) and the Cornerstone Barristers advice dated 10th June 2024.

The NSL suggests that the Chartered Institute of Environmental Health (CIEH) guidance document 'Clay Target Shooting: Guidance on the Control of Noise' (2003) is not an appropriate standard for assessing skatepark noise.

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.

Currently, there are no UK standards or guidance dealing with noise arising from skateparks or similar activities. British Standard 4142:2014 'Methods for rating and assessing industrial and commercial sound' is commonly used to assess the risk of adverse impact from noise on local residents. However, the Standard is intended for assessing industrial and/or commercial sounds and explicitly states its scope does not extend to recreational activities, such as a skatepark. Some aspects of BS 4142 might be relevant to the assessment, such as establishing a background sound level, impulsive penalties and contextual appraisals; however, a direct application of the Standard as the sole method of determining noise impacts on future residents is not appropriate. For example, the short duration high level impact noises from the performance of tricks is hugely underestimated using a BS4142 assessment because the measured noise from the skatepark has been corrected for an "on -time" of 92 seconds in the two hour monitoring period and this has reduced the noise level used to assess impacts at residential from a measured short term level (Sound Exposure Level) of 70.7 dB to 34.9 dBA Leq over a 1 hour period. Unfortunately the future residents will hear the short duration high level impact noises from the skatepark users performing tricks rather than the calculated average noise level in 1 hour from the combination of the skatepark noise and the gaps between skatepark activities.

In the absence of authoritative skatepark noise guidance, it is considered appropriate to base the assessment methodology against the guide values set out in the following guidance/standards:

- The World Health Organisation's Guidelines for Community Noise (1999) and Environmental Noise Guidelines for the European Region (2018) provide guidance levels for steady-state noise inside and outside a dwelling.
- BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings', which provides similar guidance based on the aforementioned WHO documents.
- The 'Guidelines for Environmental Noise Impact Assessment' (2014) document produced by the Institute of Environment Management & Assessment (IEMA), which considers the impact of an increase/change in average ambient sound levels from the existing baseline.
- The Chartered Institute of Environmental Health (CIEH) guidance document 'Clay Target Shooting: Guidance on the Control of Noise' (2003) contains a method for assessing short, high-level impulsive sounds associated with clay target shooting – a sound source with similar impulsive characteristics to skateboarding impacts.

A noise impact assessment methodology that incorporates a mixture of the aforementioned guidelines aligns with the approach followed by other Acoustic Consultants for noise impact assessment reports for a significant number of skateparks in the UK. Example of some of the Acoustic Assessments that used this approach were already given in the Environmental Health Comments.

Turning to the legal advice I have the following comments.

1) I note that outline permission was given for up to 170 dwellings and all matters other than access were reserved and point 17 gives the following definitions for reserved matters

- “appearance” means the 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;

- “landscaping” , in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means 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—

(a) screening by fences, walls or other means;

(b) the planting of trees, hedges, shrubs or grass;

(c) the formation of banks, terraces or other earthworks;

(d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and

(e) the provision of other amenity features;

- “layout” means 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;

- “scale” except in the term ‘identified scale’ , means the height, width and length of each building proposed within the development in relation to its surroundings

I believe that appearance, landscaping, layout and scale are all relevant to noise impacts on future residents of the proposed development. In the process of good acoustic design there is a hierarchy approach to noise mitigation. The following are acoustically critical issues and part of a good acoustic design process site layout, building heights, materials, landform contouring, detailed design and landscaping, boundary treatments, amenity spaces. The professional practice guide on planning and noise 2017 states that planning applications must:

.Check the feasibility of relocating, or reducing noise levels from relevant sources.

- Consider options for planning the site or building layout.

- Consider the orientation of proposed building(s).

- Select construction types and methods for meeting building performance requirements.
- Examine the effects of noise control measures on ventilation, fire regulation, health and safety, cost, CDM (construction, design and management) etc.
- Assess the viability of alternative solutions.
- Assess external amenity area noise.

All of the above fall within the reserved matters details.

2) The advice states in point 29 that an acoustic bund or fence could not be provided under layout. Matters such as the orientation of dwellings in relation to the skatepark do fall within layout. However, fences and earthworks (such as an acoustic bund) fall under the reserved matter of landscaping. The layout of dwellings and the scale and appearance may need to be revised as part of good acoustic design to minimise skatepark noise impacts on future residents and protect the existing skatepark community facility. There are many options to mitigate noise through building layout and design including orientating windows of habitable rooms away from the noise source. Placing amenity areas on the shielded sides, the use of garages as a noise barrier etc

3) With reference to point 31. I agree that the access point is fixed but there is a landscape buffer in the framework masterplan and design code along the entirety of the site boundary with the skatepark located between the site access road and the skatepark itself and therefore a landscaped bund is likely to be practicable. A noise barrier should either be close to the noise source or the receiver to be effective so there may be also options for barriers close to dwellings.

4) The layout has changed from the indicative layout at outline on which the noise impact assessment was based and there will be a requirement for a new assessment to demonstrate that noise standards can be met for road traffic noise even having regard to the (poorly worded) existing condition to inform the choice of glazing and ventilation to meet internal noise standards. It is noted that the original noise impact assessment submitted at outline has already been revised each time the layout changed. Usually revised NIA are submitted to support the Reserved Matters application.

5) The National Planning Policy Framework section 93 states:
 “193. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of

change') should be required to provide suitable mitigation before the development has been completed."

The current proposals do not include any noise mitigation for skatepark noise and are likely to result in future residents making complaints about skatepark noise which we have a statutory duty to investigate under The Environmental Protection Act 1990. This may result in unreasonable restrictions being placed on the skatepark as a direct result of this development.

6) The advice refers to a number of cases. I have attached a high court judgement which might also be of relevance where Ornuia Ingredients Ltd, the owner of a cheese factory adjacent to a site with outline planning permission for 321 houses, has successfully argued that Herefordshire Council was wrong to issue an approval of reserved matters without considering Ornuia's representations and acoustic report as to the effects of noise from the factory on the living conditions of the future residents. That information casted doubt on a conclusion previously reached by the Council that it would in principle be possible to produce an acceptable scheme for mitigation of noise emitted by the factory within the parameters of the proposed layout.

Finally I think it would be a serious mistake to not reconsider skatepark noise impacts as part of the reserved matters application and maintain the position that it must be properly considered before reserved matters permission is granted. There is insufficient information on the potential impacts of skatepark noise on future residents and the proposed appearance, landscaping, layout and scale of the development may need to be revised to mitigate noise impacts.