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**Date:** 28/03/2025

By email  
section62a@planninginspectorate.gov.uk

Dear Sir/Madam,

**Application reference: S62A/2024/0075**

**Proposal: Reserved matters (appearance, landscaping, layout and scale); pursuant to outline planning permission ref: S62A/2023/0031 for the erection of up to 55 dwellings, associated landscaping and open space, with access from Knight Park**

**Location: Land North of Thaxted Road, Saffron Walden**

Introduction

This Rebuttal Statement has been prepared by Phase 2 Planning and Development Ltd on behalf of the Applicant, Saffron Walden LLP, to respond to the invitation from PINS to respond comments and observations received from the following statutory consultees -

- Essex County Council Highway Authority letter dated 13 March 25
- Essex County Council Development and Flood Risk letter dated 17 March 2025
- Uttlesford DC Urban Design Consultation response dated 12 February 2025

In addition, it is noted that since this invitation was issued PINS has been in receipt of comments from Uttlesford District Council following the Planning Committee meeting held on 12th March 2025 and the Council's published Committee Report dated 25 February 2025. The applicant will therefore also provide a response to this.

The applicant would also respectfully request the opportunity to respond to the ECC Waste and Minerals planning response dated 3<sup>rd</sup> February 2025.

In addition, it has been noted that there was a minor error with the accommodation schedule in which the apartment areas (sq. ft.) were not recorded correctly. This has now been amended and a revised accommodation schedule (reference 24.1966.FSOA.O) is attached as Appendix 1. We'd be grateful if this could be added to the application submission.



Bus Turning Arrangements

The applicant's Transport Engineers, Ardent Consulting, has been engaging with ECC Highways Strategic Development Engineers, at both pre-application stage and more recently post the statutory consultation period (see Appendix 2), in order to resolve the concerns raised and has most recently submitted the attached Transport Technical Note – Bus Turning 04.03.25 (Appendix 3).

This Technical Note confirms that the development layout is bound by the designs and principles set out in the consented scheme at outline where ECC Highways agreed that a looped arrangement would be acceptable. ECC's position has changed since the outline application, and a request has been made to turn a vehicle within the site via a turning arrangement. However, this would result in significant landtake and deviation from the consented Access Plan for where infrastructure could be placed

As a compromise, alternative options have been investigated that would not affect either landtake or the consented Access Plan or the Access Drawing and would achieve the principle of bringing a bus route into the site and out again. However, this matter was not resolved to ECC's satisfaction during pre-application stage.

Given the limitations set by the parameters of the extant outline planning consent and ECC's current preference for bus facilities not to be looped, which is contrary to the requirements imposed by condition 20 and the Transport Statement principles, which showed a bus turning loop around the development, the development layout includes provision for a bus to perform a 3-point turn as would be the case without the development coming forward at the Knight Park turning head.

Swept path analysis undertaken demonstrates that there is suitable provision for a 12m long single deck bus to turn within the site. The use of a 12m long single deck bus for the tracking exercise is robust given that the existing turning head at Knight Park cannot accommodate the turning movements of a single deck vehicle, with that being suitable for a midibus only.

Despite the fact that such a turning head would be achievable from a technical point of view, ECC have objected to this proposal. Following receipt of the response from ECC Highways in response to the application consultation, an alternative loop option for the bus (alternative to the pre app proposal), was tabled to ECC Highways, please refer to the email dated 11<sup>th</sup> March 2025 from Steve Fields in appendix 2, in the hope to find a mutually acceptable solution, however once again this has not been accepted by ECC Highways.

It is also relevant to note that the bus provision is yet to be fully funded, nor is it understood that a commercial arrangement is in place with the owners of Knights Park to bring a bus along the private road, a prerequisite for a turning facility being required on the development site. The issue of funding was raised at pre-application stage with ECC Highways and the likelihood of the bus route coming forward, ECC advised they would look into this, however we are yet to receive a response on this matter. As the funding and commercial agreement for a bus utilising Knights Park are believed to be outstanding, with no clear timeframe to be resolved, it is requested that this be taken into account when determining this application.

It is therefore considered that the proposed development layout meets the requirements of Condition 20 of the Outline consent, and the applicant has consulted with the Highways Authority as required. Further, it is relevant to note that in accordance with paragraph 116 of the NPPF development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

As such the Inspector is respectfully requested to make a judgement on this given the above, and our position that ECC's varying stance deviates from the outline and that the solution proposed by the applicants is acceptable from a technical perspective.

#### Public Rights of Way (PROW)

I can confirm that it is not the applicant's intention for cyclists to use the PROW footpath (PROW FP 36/44) as a cycle path. The connections onto this from the site are 2m wide and so only suitable for pedestrian use as a footpath and so the intention is clearly not for cycle access.

This issue was raised at pre-application stage by ECC Highways and as a result an alternative connection for the bicycle path was added which connects into the turning head for the pumping station. However, if it is considered necessary the applicant is prepared to add signage to restrict the potential for unauthorised use that would direct users away from using cycles on the PROW network. This could be the subject of an appropriately-worded condition.

It should be noted however that the PROW along the western boundary of the site is a Byway (Byway 18 44), and so cyclists are permitted to use this.

#### Essex County Council Development and Flood Risk letter dated 17 March 2025

This submission is accompanied by a LLFA response document from Ardent dated 27 March 2025, attached as Appendix 4. Ardent has separately met with the LLFA at ECC and it is anticipated that the objection will be removed, with an agreement to a later stage condition. The document details the discussions that have been held, these are detailed in Appendix B of the submitted document.

In response to the LLFA's request for a more detailed drainage plan, Ardent has confirmed that all plots, driveways and other impermeable areas drain to the proposed sewer network. The leaders and notes on the plan have been altered to make this clearer. However, we are unable to provide the exact connections of above ground drainage as this is reserved for detailed design stage. Please see updated drainage strategy in Appendix A of Appendix 4.

With regard to the request for a manhole schedule, the attenuation for the site has been designed using 'source control' storage estimates, using the approved discharge rates at Outline Stage (1l/s). As the attenuation is in the lowest area of the site, levels all falling towards the basins, with significant soft landscaping space around it, and the entire site passing through the online attenuation, we have not modelled manholes and pipes as we are confident the layout is deliverable. During detailed design, a network

model will be produced to confirm the finer details such as accurate impermeable areas, plot drainage connections, pipe sizes and gradients, to ensure there is no increased flood risk on site. A detailed model (including manhole schedule) can be conditioned and submitted once detailed design has been undertaken..

It is considered therefore that these requirements could be addressed via the imposition of relevant conditions, when the detailed design is further progressed.

Uttlesford DC Urban Design Consultation response dated 12 February 2025 and UDC's Committee Report dated 25 February 2025 and Members' response dated 12 March 2025.

Firstly, it is relevant to note that both the Planning Officer in their committee report and the Council's Design Officer in the statutory response agree that the proposed development is of a typical suburban development and is in general compliance with the consented Design Code at outline stage. It is noted that there is only a small degree of non-compliance.

### Connectivity

As noted in paragraph 14.3.20 of the Council's committee report, in terms of connecting to sites that have not yet come forward for development, the applicant is limited at this stage to provide tangible routes to adjoining sites. Notwithstanding this, it should be noted that the proposed scheme does provide connections to the PROW network that runs along northern boundary, a connection is also provided to Tiptofts Lane on the north eastern boundary and footpaths are provided to connect to Knights Park.

Further the proposed layout does not prejudice the ability to connect to any future adjoining development when and if this comes forward.

Further to the above, the Officer in paragraph 14.3.21 of the Committee report in relation to connectivity advises that *"Officers are of the view that the overall layout is not severe enough to warrant a formal objection."*

### Triple Tandem Parking and parking to Apartment Blocks

The use of on plot triple tandem parking (for 20% of proposed housing) has been necessary in order to meet the UDC local requirements of 3 parking spaces per dwelling for 4+ bedroom units. This locally adopted standard exceeds the adopted Essex County Council EPOA Essex Parking Standards which requires two spaces for 4+ bed units.

The introduction of tandem parking aligns with both the outline consent for the site and the outline Design Code section 4.4, as well as the Essex Parking Standards which advises on page 60 of the Essex Parking Guidance Part 1 *"that tandem parking is acceptable on-plot, within the curtilage of a dwelling but not allowed in areas which also offer communal access, e.g.parking courts. They are effective in reducing vehicle dominance at building frontages."* It is also relevant to note that the consented outline design code, pre-dates the UDC adopted District Wide Design Code July 2024.

If the proposed development were to remove triple tandem parking this would result in a reduction in the overall number of units on the site, such that the scheme would potentially be unviable. Other key aspects of the site design have been carefully aligned with the UDC Design Code, including prioritising the number

of units consistent with the outline permission, the provision of Part M compliant dwellings and a policy-compliant allocation of parking spaces and size of parking, factors that should be afforded great weight.

Further, as noted in the Committee report in paragraph 14.3.23 while the Council's Urban Design Officer suggests there is a possibility to review the use of triple tandem parking by reducing garden sizes, this is not supported by Officers who are of the view that reducing garden sizes to realign parking layouts would not be ideal as there are also genuine benefits of larger gardens to future occupants. It is considered that *"While triple tandem parking is not ideal, this is not characteristic of the whole development; namely this would affect plots 55, 54, 53, 29, 28, 27, 26, 12, 11, 10 and 9 (11 plots in total i.e. 20%) and Officers do not consider the proportion of triple tandem parking proposed to be severe enough to warrant a formal objection."*

With regard to the parking layouts to the rear of the proposed apartment accommodation, the applicant is happy to accept a condition requiring the submission of details of suitable lighting as suggested by the Council's Urban Design Officer and Planning Officer.

### Character Areas

As confirmed in paragraph 14.3.45 of the Committee report, the dwellings are contemporary in design with elements of traditional detailing and the materials proposed are in accordance with the principles outlined in the Design Code.

In response to Member's concerns and the Urban Design Officer's comments, if considered necessary the applicant is happy to accept the Planning Officer's suggestion that a suitably worded planning condition be added to approve details of materials within the Knight Park and Rural Edge Character Areas.

### Landscape

The application was accompanied by the submission of a Landscape Strategy Layout and a Landscape Management Plan and as confirmed by the Urban Design Officer, generally the landscape strategy is found to be acceptable.

The Urban Design Officer suggests that additional trees could be planted along streets, however the Planning Officer in the Committee report in paragraph 14.3.27, considers that this is not a significant point of concern.

Further, it is relevant to note that the proposed planting assists in achieving BNG in excess of the required 10%.

Notwithstanding the above, should additional planting be considered necessary, the applicant is happy to accept the imposition of a suitably worded landscaping condition.

### Height of Proposed Apartment Blocks and Focal Buildings

Members have raised concerns regarding the height of the proposed apartment blocks believing them to be 3 storeys in height rather than the stated 2.5 storeys. This submission includes a section drawing (reference 24.1966.4552 attached as Appendix 5) this shows that the eaves fall below the window height by 0.6m, resulting in the external wall being a maximum of 1.5m ceiling height from the inside. There is then a steady slope of 45 degrees up to the maximum ceiling height of 2.4m, resulting in the top floor of the flat

blocks being a 2.5 storey building as opposed to a 3 storey, where the entire ceiling height would be 2.4m. The apartment are 2.5 storeys in height in accordance with the approved outline design code.

Members also commented that there is a lack of focal buildings and that they were not convinced that the scale of the apartments should be considered as focal buildings by virtue of their scale. The submitted DAS on page 21 details that the proposed development has built upon the approved outline Framework plan as well as the National Design Guide (January 2021) and provides landmark buildings at gateway and key locations. These include the apartment blocks near the site access which features bespoke dormers and dropped eaves, alongside the use of dark stained boarding which provides wayfinding and welcomes visitors off Thaxted Road and into the Knights Park Character Area. These symmetrically designed blocks are bespoke, with feature materials and detailing dependant on the character area.

The Council's Urban Design Officer provides no comments regarding the apartment buildings and the Planning Officer in the Committee report in paragraph 14.3.35 advises that the proposed apartment blocks are not considered to be of significant height in relation to the houses and would not appear over dominant in relation to the other proposed house typologies proposed. In addition, in paragraph 14.3.37, it is noted that *"Although, Officers do not consider that focal buildings should necessarily be synonymous with increased storey heights as there is potential for buildings to appear overly prominent when entering the site from the vehicle access into the site, nonetheless, such matters are not severe enough to warrant a formal objection."*

#### Location of LEAP

Members question the location of the LEAP; however this has been purposefully located to ensure good levels of natural surveillance and is located away from the road network to ensure that there is no potential for conflict with road users. Neither the Urban Design Officer or Planning Officer raise concerns regarding the proposed location.

#### Water Pumping Station

The applicant can confirm that they are happy to accept a suitably worded condition requiring the submission of details of the Water Pumping Station if considered to be necessary.

However, it should be noted that as the Water Pumping station is predominantly located below ground level, any visual impact would be minimal and not significant.

#### Attenuation basins

Members queried the proposed number of attenuation basins, which comprises two, as detailed in the submitted Drainage Technical Note. The Surface Water Drainage Strategy incorporates a piped network within the constructed highway that delivers water to these basins, which serve the entire development. The design incorporates a discharge constraint that reduces the flow rate to 1 l/s, in line with the consultation response set out by ECC (LLFA) under S62A/2023/0031. Additionally, the two attenuation basins are engineered for water quality treatment as outlined in the Flood Risk Assessment (FRA). Routing the discharged water between these basins facilitates enhanced filtration, leading to improved removal of hydrocarbons, suspended soils, and metals.

Furthermore, the basins are optimally sited to retain water effectively with minimal earthworks. MAG Safeguarding, the Environment Agency, and the Local Lead Flood Risk Authority have raised no objections to this approach.

ECC Waste and Minerals planning response dated 3rd February 2025.

As we have highlighted above, the response from Essex County Council Minerals and Waste Planning (MWPA) dated 3<sup>rd</sup> February raises no objections, but does suggest that the MWPA's previous response dated 30<sup>th</sup> January 2024 still holds and is attached. This was in relation to the outline application, and the Inspector at that time considered that the condition was premature given that the layout did not form part of the application.

The current Inspector will note that the MWPA recommend that the condition seeks to achieve a minimum of 70m stand off from the Recycling Centre (SWRC). However, the Inspector will note that the both the indicative plan submitted with the outline, including the DAS and Design Code, all show a layout within 70m. The current application also shows development within 70m.

The origin of the 70m figure can be derived from the Waste Infrastructure Assessment submitted with the outline. This cross refers to the Noise Assessment also submitted with the outline, and in particular to the noise contours in figure 3, extract below, which show the worst case scenario and which recommends that development is kept outside of the red and orange areas. It does not provide a figure of 70m.

The Waste Infrastructure Assessment notes in para 4.1.4 that no housing has been proposed in the areas coloured red and orange in the noise model. It concludes that:

*"noise has been carefully considered in the design of the site. A large standoff area and an extensive area of planting/screening have been included in the design and there are no houses proposed within 70m of SWRC. This was based on a noise survey, noise modelling and noise consultancy advice."*

We attach a plan (reference: 24.1966.1004 Parameter Plans noise overlay plan, see Appendix 6) with this response which shows an overlay of the current application layout plan, and the noise contour plan submitted with the outline, which shows that the development proposed is outside the red and orange areas.

This plan has been seen by Tetra Tech (the author of the Waste Infrastructure Assessment) who advise in their email dated 25<sup>th</sup> March 2025 (attached as Appendix 7) that *"Importantly, the proposed houses are outside of those areas shown in red and orange, denoting the higher noise levels in the noise modelling exercise. It would make more sense for any condition to relate to the areas in the noise modelling exercise, as this was undertaken for the purpose of calculating where noise disturbance would and wouldn't be acceptable for the siting of new houses. I note the noise report (Cass Allen, TN01-23338-R0, July 2023) actually recommends that the area in red is not used for dwellings. It does not comment about the areas in orange."*

As a consequence, the Inspector is requested to amend the distance in the suggested condition from 70m to relate to the noise modelling exercise as this actually relates to disturbance and acceptable locations for housing if this is considered to be necessary as part of a condition. In our view, this part of the condition would be superfluous given that the distances are clearly shown on the submitted plan, and which comply with the requirements of the Noise Assessment.

With regard to the second suggested item in the condition, this requires a 3m acoustic fence. This requirement is covered by the suggested condition proposed by the Environmental Health Officer, and the broader wording proposed by Environmental Health is supported by the applicant as it allows for the most effective noise attenuation to be adopted in this area, whilst still meeting the requirements set out within the Cass Allen report.

### Conclusion

I hope that this assists in addressing the concerns raised, our case on behalf of the Applicant remains that the development remains in accordance with the development plan, outline design code and that the substantial public benefits generated by the proposed development outweighs any of the limited harms that may be identified.

Therefore, it is politely requested that the development is approved without delay.

In the interim please do not hesitate to contact me directly should you wish to discuss this matter further.

Yours sincerely

*Phase 2 Planning*

**Samantha Stephenson** BA (Hons) MScTP MRTPI

Associate