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**Date:** 01/05/2025

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**

I refer to our Rebuttal Statement of 31-3-25 and have seen the further response from Essex County Council Highways dated 16-4-25, together with the further comments of Uttlesford Council, and UDC Environmental Health.

It is not our usual practice to offer further rebuttal points, but there are points in particular within the ECC latest letter that are either incorrect or clear misunderstandings which could mislead the Inspector. As such we would like this letter to be treated as clarification of these points from a factual point of view.

**Highways**

Firstly, ECC appear to misunderstand that this is a reserved matters application that has been submitted to agree details pursuant to the parameters set by the outline permission. The ECC suggestion of accommodating a bus route is a requirement of condition 20 of the permission, which is not being discharged as part of this Reserved Matters application. The discharge of this condition will be a matter of separate submission to discharge or vary through Section 73. Indeed, we would question whether the condition meets the five tests in the Framework and whether it is fair, reasonable and practicable to have such a condition. It may be considered unreasonable or unenforceable given that there is no evidence that the owners of the private Knights Park access are happy to accommodate the bus link, or necessary to make the scheme acceptable in planning terms given that the site is within 400m of bus stops with a regular service. Therefore, we believe an application could also be made to remove the condition on legitimate grounds.



We note that ECC do not provide any details of a commitment or funding for the bus service, or progress on any commercial/legal agreement to locate bus stops and run a bus service on the private road network of Knight Park leading to the application site, only noting the lack of an up to date Local Plan. The Inspector will note that the current draft Plan will be the subject of Examination for 2 weeks after 10<sup>th</sup> June this year, and can therefore be given significant weight due to its advanced nature.

Attached with this response are extracts from the Regulations 18 and 19 Submission draft Plan, which includes Core Policy 7, which commits to a sustainable transport link between Thaxted Road close to the application site and Radwinter Road, close to the hospital, Tesco, and new Lidl foodstore, together with a development framework plan showing the proposed route of the sustainable transport route along the main access road linking the southern and eastern parts of the town. We include Core Policies 6 & 7 of the Reg 18 plan as this specifically mentions bus service improvements, which shows that the strategic allocation is the intended location for the new service.

We believe that the extracts from the Draft Local Plan policies demonstrate the Council's desire to direct the bus route through the strategic allocation rather than the application site, which is a more logical bus route anyway, and would negate the need for one to be provided as part of the scheme proposal. The requirements of condition 20 are therefore arguably not relevant to the development to be permitted either.

Notwithstanding the legitimacy of condition 20 of the outline consent, there are 3 plans approved as part of the outline, which are relevant. We have raised the point in our rebuttal of 28-3-25 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 to cater for bus services would be acceptable, and that ECC's position has changed since the outline permission, and a request has been made through the pre-application discussions to turn a vehicle within the site via a turning arrangement.

The ECC suggestion of a bus turnaround facility (rather than using a turning head as submitted or a looped road network) would result in significant landtake around the access point and a deviation from the consented Access Plan and Access Drawing (as set out in Appendix 3 of the rebuttal letter dated 31-03-25), or would significantly impact the number of residential units which could be provided in the approved development footprint, which would impact the viability of the scheme and potentially the ability to progress the development

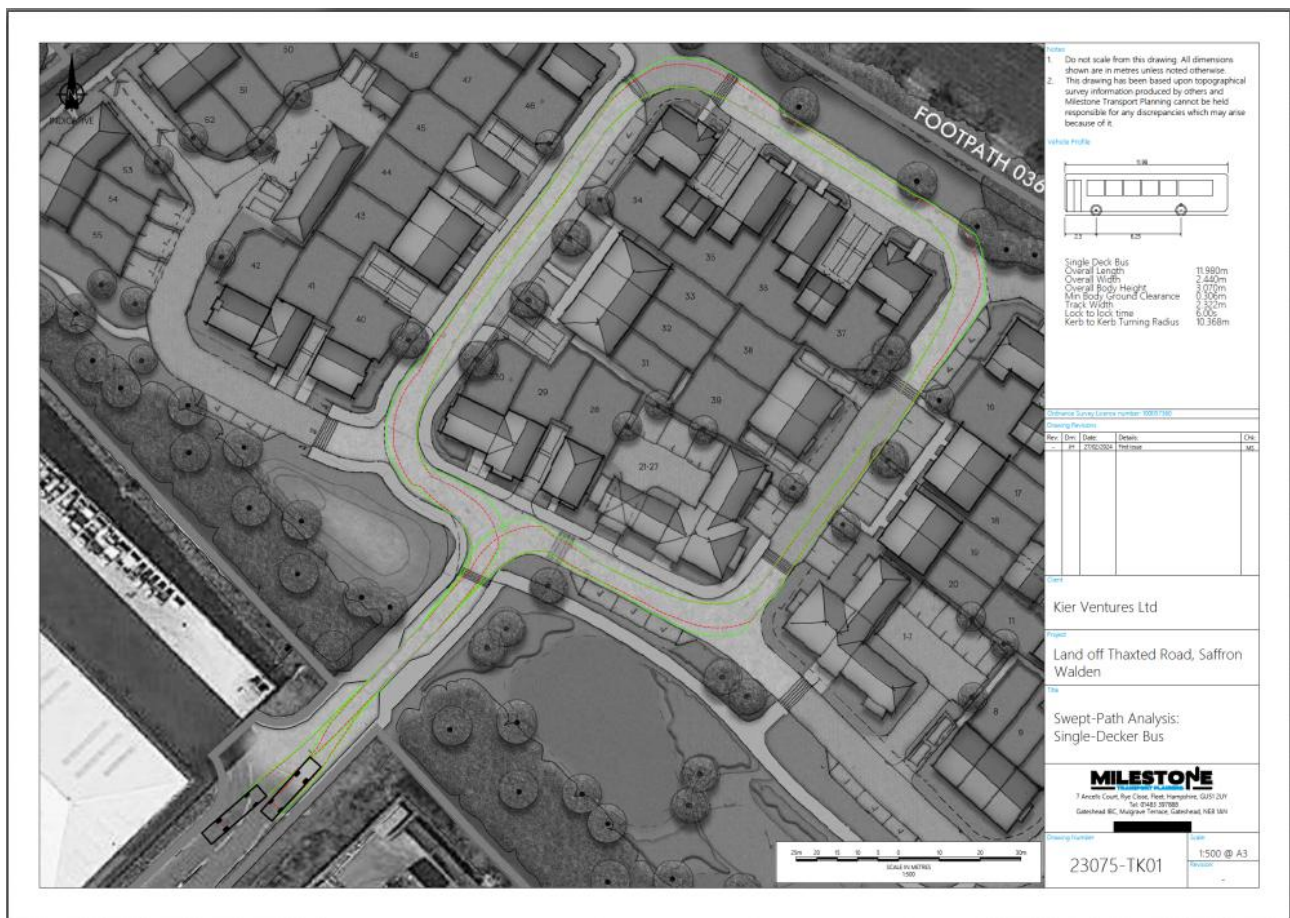
As noted, and reiterated here, the approved Access Drawing (Milestone Drawing 23075-001 Rev B) is subject to planning Conditions 4 and 16, setting out the delivery requirements of the access as consented.

The approved Access Plan (Kier drawing 3119-A-1202-PR-E) is also consented and referenced at Condition 4. This allows deviation of the parcels and infrastructure by up to 10m. As set out in Appendix 3 of the rebuttal letter dated 31-03-25 the request for a bus turnaround loop would require deviation far above the 10m allowance stated. As noted within Appendix 3 of the rebuttal letter, the design would require around a 27m width, which would be in excess of the 10m deviation allowed.

Indeed, to enable a turning loop within the 10m deviation (see attached plan reference SK-03A) would entail the loss of plots 1- 4, which reduces the development from 55 to 51 plots, a reduction of 7%, which assuming 40% HA provision, this would result in the loss of 2 private and 2 HA family homes (3 and 4 bed plots). This will affect the viability of the scheme, and more importantly would not accord with the approved parameters of the outline planning permission.

ECC go on to state that *'furthermore the design presented at the reserved matters stage now shows a shared surface as opposed to a carriageway with a separate footway facility presented at the outline stage'*.

This is factually incorrect. None of the approved plans show footways within the development itself, with the approved Access Plan only showing secondary and tertiary roads within the development with no further detail. Indeed, the non-approved 'Sketch Site Layout' plan in fact showing that many of the roads within the development do not have footways. An extract of the vehicle tracking plan contained within the Transport Statement underpinning the outline permission clearly indicates that the intended bus loop around the site would run through elements of road hierarchy that are shared surfaces without footways present.



Extract 1 -Milestone Transport Statement (ref 23075/Reports/TS) – Appendix 4 (Swept Path Analysis Single Decker Bus – Drawing 23075-TK01)

This design can be replicated through the linking of the top-most private driveways, as previously set out to ECC Highways and already before the Inspector (ref rebuttal letter dated 31.03.25, Appendix 2 – email dated 11.03.25 to ECC Highways). The attached drawing ACE 2404920-SK02 illustrates that a single deck bus can loop around this central section should the Inspector agree with this requirement of the scheme, and this approach is consistent with that presented in the Milestone Transport Statement noted above.

A final point of clarification is that ECC comments relate to concerns around pedestrians mixing with vehicles on the shared surface. The bus service is yet to be secured or timetabled, but it is understood that the service frequency at best would be half hourly. Bus drivers would be aware of the route required, residents would too be aware upon purchase or leasing properties that a bus loop or turning head option is present, road markings / signage installation can warn drivers to keep roads clear of parking (enforced via the Management Company) and that buses would be routing in a single direction (clockwise) only, if adopting the bus loop option.

We note that ECC state that the intention of the bus route (should the development not be permitted) would be to turn (without banksman) at the end of the Knight Park service road. As highlighted within the rebuttal letter of 31-3-25, this turning head is of insufficient size to turn a single deck bus, as such we can only assume that a minibus is proposed. Indeed, whilst ECC state that there is no need for a banksman to turn a vehicle, this turning head is adjacent to the service yard access to Knight Park retail estate, where conflicts could occur with larger delivery vehicles.

It should be noted that the bus stops, which the turning facility could serve, if the new bus provision is brought forward, are not required for the development proposed in this application. This development is within the required 400m of an existing bus stop on Thaxted Road. We would also like to flag that the development in this application is providing other methods of sustainable transport including an electric car club and electric cycle hire opportunities, in addition to electric charging points to all properties.

We note the reference that the current proposed arrangement do not meet the safety criteria for a bus turning facility and that this would be contrary to the NPPF – without specifying how or which part of the NPPF – but no explanation is given for the reasons for the change in position from the outline permission.

As a consequence of the above, there are 3 scenarios that we think the Inspector should consider. These are as follows:

1. Determine whether the details to be provided to deal with condition 20 of the outline permission are a matter for this reserved matters application. The discharge of this condition does not form part of this application;
2. If so, to determine whether our preferred option of a turning head set out above is acceptable;
3. If not, then determine whether the previously anticipated loop as envisaged and agreed as part of the outline and shown in both the above drawing TK01 together with the attached swept path drawing ref SK02 are acceptable. If the latter, then a substitute Site Layout drawing ref 24.1966.1000T showing the connection of the road in the north eastern part of the loop would need to be accepted, together with related plans in the following link [Please Click Here](#). This is a minor change that is not material to require re-consultation, as effectively this has been discussed in detail with ECC Highways.

None of these scenarios should prevent consent being granted for the Reserved Matters application. Either the requirements of Condition 20 of the outline are not applicable or relevant to the Reserved Matters being considered, or two perfectly acceptable solutions have been presented in discussion with the Highway Authority that accord with the parameters set by the outline consent and respond to representations made as part of the Reserved Matters process.

## Environmental Health

Our clients have sought clarification from their consultants Sol Acoustics regarding the consultation response from UDC Environmental Health dated 19<sup>th</sup> Feb 2025.

They advise that suggested condition 7 is acceptable with no comments.

However, condition 8 relates to noise from industrial/commercial sources and states:

*An acoustic assessment covering all noise sources of a commercial or industrial nature (in line with the methodology of BS 4142:2014) shall be submitted to the local planning authority for approval prior to the development commencing, along with a scheme of mitigation to ensure that:*

*1) At any time the plant rating level calculated according to BS 4142:2014 shall not exceed the measured typical day and nighttime LA90 background levels at the proposed noise sensitive receptor, and additionally, once approved the scheme of mitigation shall be implemented in full prior to the use commencing and permanently maintained thereafter to ensure compliance with the noise levels.*

*REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, and the National Planning Policy Framework (2024).*

A BS 4142 assessment was undertaken by Cass Allen as part of the outline planning application. It was concluded in the Cass Allen report that the noise from adjacent industrial/commercial operators results in a Significant Adverse Impact when considered under the assessment method for the BS 4142 'initial estimate of impact'. The report goes on to discuss the context of the site and the mitigation proposals to protect private residential spaces (internal rooms/gardens) in line with guidance from other standards. To mitigate noise a 3m barrier was also proposed along the site boundary however the actual acoustic performance of this is predicted to be minimal, albeit an improvement over a no barrier scenario.

The inspector was presumably satisfied with the acoustic impact assessment and the site suitability for residential development in accordance with national and local planning policy as whilst noise formed a material planning discussion, no specific conditions were imposed either limiting noise or constraining the detailed design of the development.

It is considered that the proposed Condition 8 is inappropriate as the impact and scheme of mitigation has already been assessed as suitable by the Planning Inspector.

It should be noted that if the condition was imposed the development would not be able to comply with the requirements and it would effectively sterilize the site from residential development, which is clearly in contrast to the outline planning position. Based on the noise levels presented in the Cass Allen report, it is considered that the level of mitigation required (c.30dB) for the rating level not to exceed the background sound level would not be technically feasible to achieve.

## UDC Further Response

We have noted the further response from UDC, which is now suggesting that the Council are not supportive of the proposals following comments from the Planning Committee. However, the previous support of officers in the report to Committee will be noted by the Inspector, and for assistance to the Inspector we

attach a note of the Committee's discussions. The planning matters raised by the Committee have been fully addressed in our previous rebuttal letter dated 31<sup>st</sup> March 2025.

Again it is requested that the development is approved without delay given the current 3.46 year housing land supply, to ensure the provision of much needed housing and given that the benefits of delivery of housing outweigh the issues addressed above, rather than holding up housing delivery. The change in approach from ECC Highways since the outline consent was approved threatens this, and is based on the chance that a bus service might be delivered in this location in the future, subject to commercial agreement and securing the necessary funding even though we believe the Council have earmarked the strategic allocation in their Reg 19 plan for the provision of such a bus route.

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

Yours sincerely

*Phase 2 Planning*

**Trevor Dodkins** BSc (Hons) DipTP MRTPI  
Director