



Appeal Decision

Hearing held on 11 February 2025

Site visit made on 11 February 2025

by **D R McCreery MA BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal Ref: APP/C1570/W/24/3352902

Land West of Thaxted Road, Saffron Walden, CB10 2FY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Neaves (Chase New Homes) against the decision of Uttlesford District Council.
 - The application UTT/23/2962/DFO sought approval of details pursuant to condition 1 of outline planning permission S62A/2022/0014 granted on 30 May 2024.
 - The application was refused by notice dated 4 July 2024.
 - The development proposed is reserved matters submission for the appearance, layout, landscaping, and scale of 168 dwellings (outline reference S62A/2022/0014).
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Decision

1. The appeal is allowed and consent is granted for reserved matters submission for the appearance, layout, landscaping, and scale of 168 dwellings (outline reference S62A/2022/0014) at Land West of Thaxted Road, Saffron Walden, CB10 2FY in accordance with the terms of the application, Ref UTT/23/2962/DFO, the plans submitted with it, and subject to the conditions at **Appendix 1**.

Application for costs

2. An application for costs is the subject of a separate decision letter.

Preliminary Matters

3. Applications for agreement of reserved matters are to be determined in accordance with the development plan for the area unless material considerations indicate otherwise. I have considered the development plan as a whole, including the policies of relevance to the main issues in the Uttlesford Local Plan (Local Plan) and the Saffron Walden Neighbourhood Plan (Neighbourhood Plan). The National Planning Policy Framework (the Framework) is a material consideration. The main parties were asked to comment on any implications arising from the December 2024 update to the Framework, which I have paid regard to.
4. As outline planning permission was granted on 30 May 2024 (the Outline Planning Permission), the scope of my consideration relates only to the reserved matters (appearance, layout, landscaping, and scale). I have also paid regard to the conditions of that permission.

5. This includes condition 5 requiring built development to be carried out in general accordance with specified parameter plans (Parameter Plans) and condition 6 requiring development to be constructed in accordance with the details set out in the design code for the development (Site Design Code).
6. A Statement of Common Ground between the Council and the Appellant was signed on 11 December 2024 and updated after the hearing (SOCG). The description of development in the banner of my decision is taken from paragraph 3.2 of the SOCG. This reflects the removal of the reference to discharging conditions 24 and 27, which is to be pursued as a separate matter.
7. An appeal stage change to the plans is proposed to widen the footpath adjacent to the access road. Paying regard to the Wheatcroft principles, I am content to accept the change.
8. As a result of the change, and further discussion at the hearing, it is common ground that the layout (including footpath, cycleway and primary road through the site) accords with the Parameter Plans. On this basis, the Council confirmed that their third reason for refusal had been satisfied. This is recorded in paragraph 7.5 of the updated SOCG.

Main Issues

9. The main issues are:
 - Whether or not the proposed development would make sufficient provision for car parking.
 - Whether or not the proposed development would provide satisfactory living conditions for future occupiers with particular reference to noise and disturbance.

Reasons

Parking

10. The development plan unquestionably intends to apply a differential approach to the parking standards for 4 bedroom plus dwellings to those in the Essex Parking Standards. That position is explicit in Policies GEN8 (Local Plan) and SW4 (Neighbourhood Plan). The element of contradiction between the requirements of SW4(1) and SW4(3) does not weaken that position.
11. The relevant standards imposed through development plan policy are therefore the Uttlesford Residential Parking Standards (2013) (URPS). When those standards are applied it is common ground that the proposed development falls short by 37 parking spaces.
12. The argument that the Site Design Code signals an intention, even requirement, to follow the Essex Parking Standards is a weak one. The code (at section 4.4) simply says that parking should comply with the appropriate requirements from Essex County Council. It does not identify a specific standard and could just as easily be simply identifying the County Council as a party. The relevant text also appears in commentary within the code, rather than as a mandatory requirement. Further, there is nothing within the decision making accompanying the Outline Planning Permission indicating an intention to deviate from development plan policy in respect of parking standards, which disregarding the URPS would amount to.

13. As a matter of planning policy, the proposal does not make sufficient provision for car parking. The Council indicated at the hearing that all parking standards need to be applied with a degree of flexibility, which I agree with. It is material that I have no evidence that the URPS has been subject to review and is fit for purpose in terms of its understanding of modern patterns of car ownership and policy approaches to ensuring that levels of car parking contribute towards securing sustainable development.
14. The location of the site is also material. It is at the edge of a main settlement with, by the standards of a predominantly rural area, good access to higher quality public transport. It is an appropriate location to encourage walking or cycling for short distance trips and discourage excessive levels of car ownership. The scheme makes appropriate local enhancements in this regard, including new bus and cycle/pedestrian infrastructure on Thaxted Road.
15. In these circumstances, there are material considerations justifying some degree of deviation from the URPS. The Council's assertion that under provision on the URPS standards would, in itself, pose a threat to highway safety due to vehicles parking on the highway is unsubstantiated and does not take reasonable account of the material considerations discussed above.
16. Notwithstanding this, the development plan indicates that risks of parking being displaced to elsewhere within the neighbourhood must be avoided. Regardless of whether there is a risk to highway safety, displacement would represent a design defect in the development that would be counter to the objective of creating well designed places.
17. The S62A decision (discussed in paragraph 32 of this decision) refers to potential deficiencies in respect of the parking layout. This includes tandem parking, which is specifically discouraged by the Neighbourhood Plan. The degree to which these issues are a product of the level of parking provision and decisions already taken as a part of the Outline Planning Permission (reflected in the approved Parameter Plans and the Site Design Code) is debatable.
18. While I am not of the view that the deficiencies pose a material threat in highway safety terms, at the same time, there is limited evidence that the layout itself would assist in managing the narrower issue of avoiding the risk of displaced vehicles discussed above as part of creating a well designed place.
19. For these reasons, the proposed development would not make sufficient provision for car parking. There is conflict with the development plan for the area, including Policies GEN1, GEN8 (Local Plan) and SW3, SW4 (Neighbourhood Plan) which require, amongst other things, parking provision in line with the URPS.

Living conditions – future occupants

20. Policy GEN2 (Local Plan) requires, amongst other things, that development provides an environment which meets the reasonable needs of all potential users. There is no supplementary planning guidance to assist with interpreting the policy. However, it is reasonable to expect that securing acceptable living conditions in respect of noise impacts is within scope.

21. The issue of noise from the skatepark has the potential to affect a small number of properties clustered around the proposed drainage pond, with the skatepark just beyond and separated from the development by a relatively low hedge.
22. Specific assessment of skatepark noise was undertaken as part of the Outline Planning Permission (Outline Noise Assessment) using a British Standard designed mainly for assessing commercial noise. The plan at Appendix E of that assessment indicates that it was responding to a proposal that broadly correlates with the parcels for built development in the Outline Planning Permission and flows through into this proposal. The Council's Environmental Health comments from that time acknowledge the position of the site in relation to the busy Thaxted Road, a recycling centre, and the skatepark and suggests a condition requiring implementation of mitigation identified in the Outline Noise Assessment. That became condition 9 of the Outline Planning Permission.
23. A further noise assessment was carried out in June 2024 as part of this application for reserved matters approval (RM Noise Assessment). That further assessment peer reviews the Outline Noise Assessment and reports on additional survey work carried out using an assessment methodology designed for Clay Pigeon Shooting. As acknowledged by both parties at the hearing, there is no dedicated assessment methodology for skatepark noise. As such, the appropriateness of any selected proxy is always going to be a matter of professional judgement.
24. Dispute remains between the Council and the Appellant on the questions of whether the RM Noise Assessment is flawed by virtue of it being carried out purely with recording equipment and not, therefore, being attended and the timing of when it was carried out.
25. I have no evidence of industry best practice suggesting that, in general terms, such assessments should be attended. As such, this matter appears to be a question of professional judgement. The RM Noise Assessment includes detailed isolation and assessment of skatepark noise over a defined period within the assessment and takes that forward to establish and produce what is referred to as the Shot Noise Level in the Clay Pigeon Guidance. It concludes favourably against the relevant standard.
26. Observations within the assessment of who was attending the skatepark at different times of day and the activities being undertaken (e.g. skateboarding, BMXing, general socialising) would have added colour to the assessment in terms of more finite characterisation of the type of noise. However, I am not persuaded that this issue alone seriously dents the credibility of the assessment of noise that has been undertaken, in circumstances where two assessments are available utilising a mix of methodologies that all point in a similar direction. Nor has the Council brought forward credible evidence to seriously question that use of the skatepark at the time of the assessment was uncharacteristic.
27. Turning to the timing of the RM Noise Assessment. I note the Council's preference for an assessment carried out during the summer school holidays. While this may be their ideal, there is no credible evidence to demonstrate that the timing of the RM Noise Assessment is not perfectly adequate. Insisting that assessment takes place in school holidays as a matter of principle risks unjustified delay to the planning process.

28. I recognise the importance of the skatepark as a local amenity. This case was made very ably at the hearing by Mr Frostick. I also appreciate that excessive landscaping close to the boundary with the park risks undermining its use. In this respect, I find the proposed landscaping to be appropriate.
29. While the living conditions created for those occupying dwellings close to the park would fall short of being unacceptable in planning terms and would meet the reasonable needs of potential users, in light of the community value of the skatepark, it is legitimate to take some proportionate steps to reduce the risk of pressure for undue restriction arising from lower level annoyance. It is also relevant that those living closest to the skatepark would occupy affordable housing and, therefore, will not have the same degree of freedom over where they live as those operating in the open market.
30. In these circumstances, and in view of the Appellant's acceptance at the hearing that the mitigation in the Outline Noise Assessment governed by condition 9 of the Outline Planning Permission is not necessarily designed with skatepark noise in mind, it is legitimate to impose a further condition requiring agreement of any necessary noise insulation measures for a small number of properties closest to the skatepark.
31. For these reasons, the proposed development would provide satisfactory living conditions for future occupiers with particular reference to noise and disturbance. The proposal accords with Policy GEN2 (Local Plan) which requires, amongst other things, that development provides an environment which meets the reasonable needs of all potential users.
32. Policies ENV10 (Local Plan) and SW3(5)(a) (Neighbourhood Plan) are referred to in the Council's decision notice. Neither are relevant to this main issue. A skatepark, when ENV10 is read alongside the accompanying paragraph 5.18, is not a major source of noise in this context. As SW3(5) is applicable to infill developments it is not engaged in the case of this proposal.
33. In light of my decision on this main issue, concluding on whether it was legitimate for the Council to consider noise at the reserved matters stage would serve limited purpose.

Other Matters

S62A decision

34. In reaching my conclusions I have paid regard to the decision of another Inspector under S62A of the Town and Country Planning Act 1990¹. It is relevant that this present decision is an appeal which is naturally focused on the remaining areas in dispute. There is also a clear picture of common ground, including the Council's position that their third reason for refusal is satisfied and in relation to the Uttlesford Design Code.

¹ Reference S62A/2024/0051

35. This appeal has also been undertaken by way of a hearing, giving me the opportunity to question the parties on the evidence. This includes technical evidence on matters such as noise and the relationship between the proposed layout and the Parameter Plans and Site Design Code. This appeal also has its own planning balance exercise, which includes consideration of whether the presumption in the Framework applies, and balancing based on the evidence that is before me.
36. While it is a general principle that alike cases should be treated similarly, there are reasons to depart from the S62A decision in this instance. Whether the S62A decision is subject to an extant legal challenge, or not, has limited impact on my findings.

Uttlesford Design Code/ layout and landscaping details

37. The Uttlesford Design Code was adopted in July 2024. At the hearing, the Council set out a view that the proposal would need to be reworked to accord with that code. Considering the Outline Planning Permission, doing so would be an unreasonable requirement in circumstances where it is common ground that the design and layout of the proposal follows the Parameter Plans and the principles in the Site Design Code. I concur with this approach and, as such, whether the proposal would accord with the Uttlesford Design Code is a limited consideration in this appeal. I note the comments in the S62A decision that were made, as indicated in paragraph 24, in light of the Uttlesford Design Code. My conclusions are based on the position on the status of the Uttlesford Design Code described above.
38. Overall, I am satisfied that the proposal is acceptable in relation to its layout and landscaping. The clustering of dwellings and streets within the core of the site are mostly a product of the Parameter Plans and Site Design Code, which I agree with the Council are followed. The walking/cycling route through phase 2 of the development is a weaker aspect of the proposal, given the extent of bordering with sides of dwellings and fences. While more could have been done to promote natural surveillance of this space, in line with the principles at Section 5.2 of the Site Design Code, I note that it is of a generous width and that lighting is the subject of conditions. I also note that Essex Police have not objected to the proposal. On this basis, I find this aspect of the proposal to be acceptable.
39. More widely on landscaping, the soft landscaping plans indicate the provision of pockets of distinctive open spaces through the development and appropriate treatment at the edges of the site to promote visual transition towards the rural fields beyond it. These aspects of the proposal promote a good standard of design and landscaping.

Other interested party comments

40. I have paid regard to comments from other interested parties. Comments relating to the main issues have been considered as part of the reasoning elsewhere in this decision. Matters falling outside the scope of the reserved matters or otherwise concerning the principle of development, cannot be addressed in this appeal. Some issues, including drainage, are addressed through relevant conditions attached to the Outline Planning Permission.

41. It is understood that there is some deviation from building heights in respect of the dwellings described as 'Oak'. Discussing this with the parties at the hearing, this appears to be minor, within permitted tolerances, and in the interests of securing a more visually interesting development.
42. A footpath on part of the site has been fenced off. This is understood to be the subject of a live application with the Council's public rights of way team. While this matter does not appear to have material planning implications, it is noteworthy that the access points to the development make adequate provision to and from the site for pedestrians.
43. The onsite affordable housing is clustered together in one part of the site. This is confirmed by the Council and Appellant as being desirable from the perspective of operational management. I have no reason to disagree and, given the scale of provision and the layout, do not regard this matter as failing to deliver mixed and balanced communities.
44. Other comments have been considered but do not change my conclusions on the main issues.

Planning balance and conclusion

45. The proposed development would not make sufficient provision for car parking. There is conflict with the development plan for the area flowing from this that amounts to conflict with the plan as a whole.
46. It is common ground that the present housing land supply and delivery position puts the Council in the position of accepting that the tilted balance at Paragraph 11 of the Framework is engaged. For the avoidance of doubt, in my overview of benefits and harms below I use the rising scale of limited, moderate, significant and substantial.

Benefits

47. The proposal would deliver 168 dwellings in a sustainable location with associated social benefits linked to their occupation (including 40% provision of affordable housing). This would support the Government's objective of significantly boosting the supply of homes (Paragraph 61, Framework). It is a site capable of proceeding in the short term with a contribution that would be meaningful against the backdrop of a poor housing land supply position. Substantial weight is given.
48. Economic benefits linked to construction and spend in the local economy are generalised, unevidenced, and hard to attribute to a development of this scale. This attracts moderate weight.
49. The proposal would deliver wider local infrastructure benefits, including bus stop improvements, that would logically be used by the wider community. While not extensively evidenced, the benefit attracts moderate weight.

Harms

50. While under provision against the parking standards in the URPS generates policy conflict, there are material considerations justifying flexibility. I am not of the view that under provision would pose a threat in highway safety terms. Notwithstanding this, on the available evidence, I am not persuaded that the proposed layout would avoid the narrower risk of displaced vehicles. To some degree this would be counter to the objective of making high quality places, when regard is paid to Paragraph 109 (Framework). On the other hand, the proposal identifies and pursues opportunities to promote walking, cycling and public transport use. Weighing this matter up, any conflict with Paragraph 109 is minor.
51. Weighing things up, the adverse effects of approving the reserved matters do not substantially and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The presumption at Paragraph 11, Framework is a material consideration in this case.
52. In overall conclusion, the presumption is a material consideration indicating to me that a decision should be taken other than in accordance with the development plan.

Conditions

53. The need for conditions has been assessed in line with Paragraph 57 (Framework).
54. I will refer to the numbering set out in Appendix 1. Condition [1] is necessary for certainty, [2] in the interests of highway safety, [3] to ensure satisfactory provision for cycle storage, [4], [5], [6] to secure acceptable appearance and standard of landscaping, and [7] for the reasons set out elsewhere in this decision. [5] needs to be a pre-commencement condition to ensure that tree protection is in place before works begin.
55. I have paid regard to the list of agreed conditions in the SOCG, making any necessary adjustments for clarity. I have not imposed the suggested condition requiring an attended noise survey as, in light of my conclusion on the relevant main issue, this would not pass the test of necessity.

Appeal outcome

56. For the reasons set out, and paying regard to all other matters raised, the appeal is allowed.

D R McCreery

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

- Liz Fitzgerald BA(Hons) DiP TP MRTPI, Barker Parry Town Planning
- Chris McNeillie CEng MIOA, Cass Allen

FOR THE LOCAL PLANNING AUTHORITY:

- Chris Tyler, Principal Planning Officer, Uttlesford District Council
- Sadie Stowell, Public Protection Officer (UDC Consultant), Thurrock Council
- Carolyn Forster, Solicitor, Uttlesford District Council

INTERESTED PARTIES:

- Mr Frostick, Safron Waldon Town Council

Appendix 1 – Conditions

- 1 The development hereby permitted shall be carried out in accordance with the approved plans as set out in **Appendix 2** of this decision.
- 2 The dwellings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.
- 3 The dwellings shall not be occupied until such time as their associated cycle parking indicated on the approved plans has been provided.
- 4 The materials and finishes shall be constructed as indicated within the approved materials palette.
- 5 The tree protection measures set out in the approved Arboricultural Impact Assessment (ref. R02b_JP_120224), dated 12th Feb 2024 shall be implemented prior to the commencement of development, in accordance with BS5837:2012. The works shall thereafter be carried out in accordance with the construction methods set out within the same document. The tree protection measures shall remain in place for the duration of the construction phase of the development
- 6 The development hereby approved shall be carried out in accordance with the soft landscaping scheme detailed on plans reference L21041.01.0G and L21041.03.0C. The landscaping shall be completed prior to the last occupation of the development or the first available planting season thereafter.
- 7 Notwithstanding the approved drawings, prior to any above ground works associated with the construction of the dwellings identified on the approved plans as Plots 1-8 (inclusive) details of mitigation measures focused on the construction of the dwellings and designed to protect the adjacent Skate Park from complaints of annoyance shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with any identified and approved mitigation measures and shall remain as such.

ENDS

Appendix 2 – Plans

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Name (drawing number)

Location Plan (230067-2)
Material Palette (230067-14)
Proposed External Bin Store (230067-20)
Flat Building 2 Floor Plans (230067-30/C)
Flat Building 2 Elevations (230067-31/D)
Flat Building 3 Elevations (230067-32/E)
Flat Building 3 Floor Plans (230067-33/C)
Flat Building 4 Ground and First Floor Plans (230067-34/A)
Flat Building 4 Second Floor and Roof Plans (230067-35/B)
Flat Building 4 Elevations (230067-36/D)
The Mulberry 2 Bed Terrace (230067-50/D)
The Mulberry 2 Bed Semi Detached (230067-54/D)
Section Identification Plan (230067-6)
Levels Layout Sheet 1 of 3 (1187/05/101/6)
Levels Layout Sheet 2 of 3 (1187/05/102/3)
Levels Layout Sheet 3 of 3 (1187/05/103/3)
Parking Plan (230067-12/C)
Site Layout Plan (230067-1/P)
Cycle Storage Locations and ASHP Locations (230067-10/D)
Refuse Strategy (230067-11/C)
Walking and Cycling Network Plan (230067-13/H)
Flat Building 1 Elevations – Affordable Building (230067-27/E)
Flat Building 1 Elevations – Affordable Building (230067-28/F)
Block Plan – North East Parcel (230067-3G)
Block Plan – South West Parcel (230067-4E)
Typical Sections Through the Site (230067-5A)
The Birch 4 Bed Semi Detached House (230067-51/D)
The Beech 3 Bed Terraced House (230067-52/D)
The Beech 3 Bed Semi Detached House (230067-53/D)
1 Bed Bungalow-M4(3) (230067-57/E)
2 Bed Bungalow-M4(3) (230067-58/D)
The Bronte 4 Bed House (230067-59/D)
The Oak 4 Bed Semi Detached Town House (230067-60/D)
The Rowan 5 Bed Detached House (230067-61/D)
The Willow 4 Bed Semi Detached House (230067-62/H)
The Willow 4 Bed Detached House 96 and 97 (230067-63/E)
The Willow 4 Bed Detached House 77 and 98 (230067-64/E)
Site Tenure Plan – Location of HA Plots (230067-7/I)

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The Aspen 3 Bed Semi Detached Houses (230067-70/C)

The Aspen 3 Bed Semi Detached Houses (230067-71/D)

Locations of Focal Point Buildings (230067-8/C)

Materials Plan (230067-9/D)

Soft Landscape Proposals Drawing 1 of 2 (L21041.01.0/G)

Soft Landscape Proposals Drawing 2 of 2 (L21041.02.0/C)

Hard Landscape Proposals Drawing 1 of 2 (L21041.03.0/C)

Hard Landscape Proposals Drawing 2 of 2 (L21041.04.0/D)

ENDS