



Statement of Reasons & Decision Notice

Site visit made on Monday 2 September 2024

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 September 2024

Application Ref: s62A/2024/0051

Site Address: **Land West of Thaxted Road**

(Easting 554773 Northing 237405)

- The application was made under Section 62A of the Town and Country Planning Act 1990 (TCPA) by Mr C Neaves of Chase New Homes.
 - The site is located within the local planning authority area of Uttlesford District Council.
 - The application was dated 18 July 2024, with a valid date of 25 July 2024.
 - Consultation closed on 30 August 2024.
 - Outline Planning Permission reference s62A/2022/0014 for the 'Erection of Up to 170 Dwellings, associated landscaping and open space, with access from Thaxted Road, granted 30 May 2023.'
 - The development for which approval of the reserved matters is sought is described as: 'Erection of 168 dwellings with associated landscaping and parking'.
 - Approval is sought for Reserved Matters of Appearance, Landscaping, Layout and Scale.
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Statement of Reasons

Summary of Decision

1. The Reserved Matters are **not approved** for the reasons set out in this Statement of Reasons and Decision Notice.

Procedural Matters

2. The application was submitted under s62A of the *Town and Country Planning Act 1990*, as amended (TCPA). This allows for applications to be made directly to the Secretary of State (SoS), where a local authority has been designated. Uttlesford District Council (UDC) have been designated for major applications since February 2022. The SoS has appointed a person under section 76D of the TCPA 1990 to determine the application instead of the SoS.
3. Following the closure of the representation period, Article 22 of *The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013* requires the SoS (or appointed person) to consider the application either by hearing or on the basis of representations in writing.
4. Taking into account Section 319A of the TCPA and the *Procedural guidance for Section 62A Authorities in Special Measures*¹ published by the SoS, as the appointed person I considered that the issues raised in this case should be dealt with by means of the Written Representations procedure.

¹ [Procedural guidance for Section 62A Authorities in Special Measures - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/procedural-guidance-for-section-62a-authorities-in-special-measures)

5. An unaccompanied site visit was carried out on Monday 2 September 2024. The inspection included viewing the site from the surrounding area.
6. I acknowledge the planning history of the site. In particular, I note the earlier refusal for a similar proposal to that here. Albeit, in that case the proposal also sought the discharge of conditions following the submission of details, in addition to the approval of reserved matters. Nonetheless, the scheme in this case is an application for the approval of the reserved matters and not a planning appeal. As such, I have considered the proposal in accordance with s62A of the TCPA on the basis of the application made to the SoS.
7. Furthermore, my remit has been to solely consider the reserved matters for which approval are sought. It is not to consider or approve any conditions imposed which may or may not require discharging. What constitute reserved matters is defined within *The Town and Country Planning (Development Management Procedure) (England) Order 2015*. I have used this as a basis for considering the submitted details.
8. The definitions are²:

'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

² Source: <https://www.legislation.gov.uk/uksi/2015/595/article/2>

Recent planning history

9. Outline Planning Permission was granted³ on 30 May 2023 following an application under s62A TCPA. This granted permission for an outline application for the erection of up to 170 dwellings with access from Thaxted Road with all other matters reserved.
10. An application⁴ was made to the UDC to approve details of appearance, landscaping, layout and scale. That application also sought the discharge of conditions 24 (surface water) and 27 (walking and cycling). This application was refused on 4 July 2024 by UDC as the Local Planning Authority.
11. Three reasons for refusal were given. Put simply: not sufficient information to assess the harmful effects of noise from the nearby skate park; the layout does not provide sufficient parking provisions, and; the pedestrian access from Thaxted Road does not include provision for a cycle path.

Planning Policy and guidance

12. The adopted development plan for this part of the Uttlesford District is the *Uttlesford District Local Plan* (adopted 2005).
13. The *National Planning Policy Framework* (the Framework) is an important material consideration. It was last updated in December 2023.
14. Of particular note is Chapter 12, Achieving well-designed and beautiful places and Paragraph 131 which states: *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*
15. In late July 2024, the SoS began a consultation on the Framework. This is due to close on 24 September 2024. Common practice and caselaw is clear in that decisions should be made on the basis of policy adopted at the time of decision-making. However, emerging policy can be material. I have been cognizant with this fact in considering the matters here.

Main Issues

16. The main issues are whether the submission in relation to the reserved matters of appearance, landscaping, layout and scale, pursuant to outline planning permission s62A/2022/0014, should be approved or not.

Statutory Parties or Interested Persons

17. A number of representations have been made by public body consultees. Full details of the comments can be found on the application website at:

<https://www.gov.uk/guidance/section-62a-planning-application-s62a20240051-land-west-of-thaxted-road-saffron-walden>

18. All written representations have been considered before making the decision here.

³ <https://www.gov.uk/guidance/section-62a-planning-application-s62a20220014-land-west-of-thaxted-road-saffron-walden>

⁴ LPA Reference: UTT/23/2962/DFO

Reasons

19. The Applicant seeks the approval of reserved matters for 168 dwellings which would have a break down as shown below:

House Type	No.
1-Bed Flat	24
2-Bed Flat	14
1-Bed Bungalow	2
2-Bed Bungalow	2
2-Bed House	22
3-Bed House	46
4-Bed House	48
5-Bed House	10
Total	168

20. The Applicant has submitted drawings showing the various designs for the buildings and materials to be used. This includes a variety of dwelling styles and types called variously; The Bronte, The Beech, The Birch and so on. There would also be a mix of bungalows, semi-detached and detached dwellings, in addition to three storey blocks located close to Thaxted Road to provide apartment style accommodation. Such anodyne designs are typical of residential developments, and help ensure quick build times with standardised formats.
21. In terms of materials, these are shown on drawing 23 0067-14 - Material Palette and drawing 23 0067-9D - Materials Plan. It is clear looking at both drawings, that the material palette would be typical to that found in many residential developments. They would be clustered into small parcels using specific materials. This, together with the varied and mixed building type and style, would help ameliorate any visual monotony within the development for visitors and residents alike.
22. The landscape proposals include both hard and soft landscaping. They are proposed to 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.
23. Indeed, 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. There are, therefore, elements of the proposal which commend it.
24. However, as identified by the Principal Urban Design Officer regarding the Uttlesford Design Code, there are numerous areas where the proposals do not meet the requirements of the Code or do not provide sufficient information to demonstrate compliance. For example, the proposals do not sufficiently promote connectivity beyond the site to local amenities, such as the open

- space to the north-west, the locally known 'green mile', or future linkages to the proposed sites adjacent within the emerging local plan, nor to existing adjacent development.
25. Furthermore, the scheme lacks a clearly identifiable character or identity, having no focal point or destination. The public realm is predominantly streets, there are pockets of landscaped space, the two parcels to the west, but they do not relate particularly well to the housing or have a clear function. The large area of landscaped space labelled 'infiltration basin', has the potential to be a successful space if well landscaped but does not relate particularly to the housing either.
26. In this respect, I concur with many of the observations made by the Urban Design Officer. It is unclear, for example, how the proposed details in relation to landscaping contribute to enhancing or protecting the amenities of the site and the area in which it is situated. There is little to explain how the proposal would integrate with its surroundings and the existing environment.
27. For example of this conflict is demonstrated by the gable ends of plots 106, 90, 25, 24, 8 and 1 as shown on drawing 23 0067-1P. Instead of the rear gardens of these dwellings facing onto the existing open space (and field beyond) as they do at Peal Road and Tukes Way at present, future users of the open space would instead be looking at the harsh aesthetic of the gables and boundary treatments.
28. Another example of poor landscaping and layout can be seen by the proposed parking arrangements created between Plots 37 and 50. As identified by the Urban Design Officer, these would present a strongly car dominated street scene. The visual domination of parking spaces would barely be alleviated through the paucity of landscaping formed by a few trees and tiny pockets of landscaping. A similar situation would be present at Plots 25 to 32, where future occupiers and visitors would be confronted with essentially a row of parking spaces for cars.
29. Further, in terms of layout, the Urban Design Officer states: *'Overall, the primary street layout is excessively curvilinear with extensive reliance on private drives and cul-de-sacs and there are no clear opportunities to extend streets to connect with future or existing development. The layout of the street and the wide radii and carriageway width signify a car-prioritised road.'* This car prioritisation of the scheme would be further compounded by the proposed layout, whereby passive surveillance of walking and cycling routes would not be meaningful when served by small windows to living rooms or stairs.
30. Even when there is active frontages overlooking the cycling or walking routes, these are typically set behind the roadway. Or alternatively are located adjacent to garden fences. In practical terms, this has the potential to create areas within the proposal – which is an edge of settlement location - which would not be conducive for use by a number of different people in the community including people walking home by themselves or children, and especially so in the autumn or on winter nights. In this respect, I am not convinced that the proposal here would achieve healthy, inclusive and safe places and beautiful buildings which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life⁵.

⁵ As per Paragraph 96 of the Framework.

31. In terms of parking layout, the local highways authority Essex County Council, have advised that all drives should be perpendicular to the main road to avoid unsafe manoeuvring. In the submitted details, the drives or parking areas for Plots 10, 11, 33, 34, 35, 36, 78-83, 90-92, 112-114 are not perpendicular. In practice this may lead to unsafe movement of vehicles in and out of parking spaces. Furthermore, the layout of the parking for plot 90 is suggested to be reviewed as it is considered it will lead to unsafe manoeuvring due to the positioning of the drive and parking spaces. Given its location on a bend within the development I concur.
32. Furthermore, the cycleway from the access into the development only has a small section with a 3.5metre width. Whilst access has already been considered at the outline stage, this does not negate the need in terms of layout for the cycle and walkway to continue with a 3.5m width. This would ensure that the cycleway from the access into the development continues with a 3.5m width which would comply with Condition 26 of the original outline permission which indicated that a '*shared pedestrian/cycleway minimum effective width 3.5m*' would be provided.
33. The failure to ensure this within the submitted details means that the proposed layout and landscaping details would, in essence, result in a scheme that would not accord with that originally approved. It would also conflict with Paragraph 110 of the Framework which indicates that planning policies should 'provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking.'
34. Furthermore, there are details missing such as swept path analysis for the turning head near Plots 127 to 129. This means it is not possible for the local highways authority to assess the adequacy of the spine road for services to the proposed housing development such as refuse collection, emergency services, or household deliveries of large items by trucks for example. The proposal also fails to provide details on appearance of the development as a 20mph zone – for example there is limited details provided of how this would be achieved and how any relevant guidance has been followed.
35. The matter of the number and type of parking spaces has been drawn to my attention. The Designated Planning Authority indicate that there is a deficit of around 40 spaces when assessed against the local *Uttlesford Residential Parking Standards 2013 Supplementary Planning Document*⁶. This is due to four bedroomed dwellings requiring three parking spaces rather than the two spaces calculated by the local authority from the drawings.
36. It is clear looking at the site layout plan, 23 0067-1 P, that the proposal would have a number of plots served by tandem parking arrangements. For example Plots 90 to 95 and 84 to 89. Some plots (such as Plots 115 to 119) would be served by tandem parking and what appears to be a third space adjacent. Tandem parking arrangements are not ideal as they can be inconvenient for households with two vehicles when the one furthest from the road can only be moved or used when the vehicle closest to the road is moved. In practical terms this is likely to lead to a number of households choosing to park either in the visitor bays or on the street within the development.

⁶ See page 38 of the Officers Report

37. When the use of tandem parking arrangements is paired with a deficit of around 40 spaces the potential for inconsiderate parking and the adverse effect this would have on residents would be further compounded. Furthermore, the inadequacies of some of the parking proposed – either in terms of type or numeric provision – has the potential, inadvertently, to increase the risk to pedestrians and cyclists through inconsiderate parking in other places within the site. Whilst I appreciate that parking enforcement and management are typically a matter for the appropriate body, this does not justify the designing in of substandard parking arrangements into this development. This is especially pertinent given that this application is to consider and approve such specific details.
38. Accordingly, the proposal would conflict with Policy SW4 of the *Saffron Walden Neighbourhood Plan 2021-2036*, which, amongst other aims, seeks to ensure that all new developments must provide for parking spaces for residents and visitors as per the Essex Works publication *Parking Standards Design and Good Practice* September 2009 or later equivalent and that all new developments will demonstrate how they refer to the *Essex Design Guide 2018*, or later equivalent for layout of vehicle and cycle parking spaces and UDC's local parking standard for 4+ bedroomed dwellings.
39. The proposal would also be at odds with Policy GEN1 of the Uttlesford Local Plan 2005 which states that development will only be permitted if it meets all of a number of criteria including *'The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired; It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access; and the development encourages movement by means other than driving a car'*. It would also be at odds with Policy GEN 8, which amongst other aims sets out *'Development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location...'*
40. There would also be conflict with Paragraph 108 of the Framework which states: *'Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:...*
e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places'
41. I note UDC's comments in terms of the distribution of affordable housing within the development. However, the distribution within the proposal is not atypical. It is entirely normal for developers to try and cluster affordable housing within certain areas in developments. This makes it easier for the management and maintenance whether shared ownership or rental plots. This does not form a reason for refusing the details submitted in this case.
42. The scale of the dwellings comprises larger detached houses, semi-detached houses and bungalows, and short rows of terraces. Given the generally two storey form of the proposed scale, the scale of the dwellings is not dominant or intrusive in the setting of the site or its surroundings. Indeed, the scale of the residential dwellings proposed would not be dissimilar to those found locally, including those found to the northwest and west of the site along the spine

road of Winstanley Road or those found to the north on the opposite side of Thaxted Road, off Cardamon Road.

43. At the same time, my attention has been drawn to the height of the proposed 'Oak' units design by an interested party. They suggest that this dwelling type would exceed the maximum 9,000mm ridge height stipulated for the upper half of the site as per the approved site layout drawing No. 1203 PL D and principles of Condition 5 of the outline planning approval. As I am not approving the submitted details for other reasons, I have not investigated this matter further. Clearly, if any details were to be approved they would need to comply with the parameters set out in the outline planning permission.
44. My attention has been drawn to the matter of the existing skate park, and the noise impacts that this may have on future occupiers of plots such Plots 1 to 12 and 8 to 5. However, such matters would have been considered at the planning permission stage. Furthermore, there is the potential to use landscaping to ameliorate the impact of noise from the skate park (and also noise from the nearby Turpin's Indoor Bowling Club and Lord Butler Leisure Centre).
45. However, there is little shown on drawings L21041.03.0 Revision C (Hard landscape proposals Drawing 1 of 2) and L21041.01.0 Revision G (Soft landscape proposals Drawing 1 of 2), which adequately explains how the proposed landscaping would either provide amelioration or mitigation to future occupiers of plots such as Plots 1 to 4 or Plots 5 to 8, nor how it would not result in an adverse impact on users of the existing skate park from inappropriate planting causing shading, which can encourage the growth of slippery plants on the skateboard bowl.
46. I note the various reports and correspondence in respect of noise matters, including legal opinion. I also note that the designated planning authority seeks a further noise assessment. Policy ENV11 of the Uttlesford Local Plan 2005 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. Policy GEN2 (Design) of the Uttlesford Local Plan 2005 considers whether the proposed development provides an environment, which meets the reasonable needs of all potential users.
47. Whilst I acknowledge that the proposal has planning permission, and therefore the principal of development has already been established, this does not negate the need to consider the acceptability of the layout and landscaping proposed within the reserved matters. In this respect, the proposed details fail to accord with Policies ENV11 and GEN2 and their underlying aims to mitigate and manage noise impacts.
48. There would also be conflict with Paragraph 135, part f) of the Framework which requires planning decisions to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

49. With regards to drainage, I note the comments in relation to Sustainable Urban Drainage Systems (SuDS). However this is a matter that appears to be for consideration under the discharge of a condition. My remit in this case is to consider the submitted details in relation to the reserved matters of appearance, landscaping, layout and scale.
50. There is fairly little dispute over the scale of the proposed development (notwithstanding the comments over proposed heights). However, such details are intrinsically linked to the layout, appearance and landscaping. Furthermore, the submission has been made in one without clear delineation between the specific reserved matter the information may or may not relate to. As such, I do not consider that it is possible to disassociate the reserved matters for scale from those for layout, landscaping or appearance, which for various given above I have found unacceptable.

Planning balance and Conclusions

51. The submitted details would result in conflict with Policies GEN1, GEN2, GEN8 and ENV11, of the *Uttlesford Local Plan 2005* and Policy SW4 of the *Saffron Walden Neighbourhood Plan 2021-2036*. The details would also not accord with the aims of Paragraphs 96, 108, 110, 131 and 135 of the Framework, the document which as a whole is an important material consideration.
52. This is due to, amongst others, the failure to promote connectivity with nearby green spaces or amenities through layout and landscaping; the lack of a focal point or destination within the development owing to its layout and appearance; the introduction of harsh aesthetics with gables facing open spaces resulting in the proposal failing to integrate with its surroundings; the poor landscaping and layout resulting from the proposed parking – both in terms of the number of spaces, the specific layout of certain spaces and use of tandem parking spaces -; the layout's apparent promotion of cars over other potentially more sustainable forms of transport and the lack of details on how the scheme has been designed to encourage speeds of no greater than 20mph; the lack of active frontages in parts of the site owing to its layout and the failure of this to provide safe and accessible places; the failure to provide a 3.5 metre wide cycleway as part of the layout and appearance; and the failure of the landscaping and layout details to adequately explain how noise from the existing nearby skate park would be mitigated so as to ensure good design.
53. Correspondingly, the submitted details would fail to secure the creation of high quality, beautiful and sustainable buildings and places which is fundamental to what the planning and development process should achieve. Indeed, government policy is clear in that good design is a key aspect of sustainable development, which creates better places in which to live and work, and helps make development acceptable to communities. The failure to achieve this within the submitted details for the reserved matters can only result in the application not being approved.

C Parker

INSPECTOR (appointed person for the purposes of s62A and s76D TCPA)

Decision Notice

Reference: s62A/2024/0051

The Reserved Matters application for appearance, landscaping, layout and scale (reference s62A/2024/0051) for the erection of 168 dwellings with associated landscaping and parking, pursuant to outline planning permission reference s62A/2022/0014 for the erection of up to 170 Dwellings, associated landscaping and open space, with access from Thaxted Road, granted on 30 May 2023, is **NOT APPROVED**.

This is because the submitted details would not accord or conflict with Policies GEN1, GEN2, GEN8 and ENV11, of the *Uttlesford Local Plan 2005* and Policy SW4 of the *Saffron Walden Neighbourhood Plan 2021-2036* for the reasons set out in the Statement of Reasons.

The submitted details would also not accord with the aims of Paragraphs 96, 108, 110, 131 and 135 of the National Planning Policy Framework, December 2023 version, for the reasons set out in the Statement of Reasons.

Informatives:

- i. *In determining this application, the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so, no substantial problems arose which required the Planning Inspectorate, on behalf of the Secretary of State, to work with the applicant to seek any solutions. This has included, for example, providing an opportunity to reflect on the original submission which also sought the discharge of conditions that is a matter for the local planning authority, and seeking clarity from the Applicant with regards to any appeal in relation to the recently refused scheme by the local planning authority.*
- ii. *The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 ('the Act') is final. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made promptly within 6 weeks of the date of the decision.*
- iii. *These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court>.*
- iv. *The Applicant should note that this decision only applies to the Reserved Matters which have been approved. Any other conditions and/or consents or permissions which may be required under planning, building control, or other legislation, will still need the relevant and appropriate approvals.*

***** END OF INFORMATIVES *****