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## Appeal Decision

Site visit made on 15 December 2020

**by M Shrigley BSc (Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29<sup>th</sup> January 2021**

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**Appeal Ref: APP/C1570/W/20/3252121**

**Land East of Thaxted Road, Thaxted Road, Saffron Walden CB11 3BL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant reserved matters following outline planning permission.
  - The appeal is made by Bellway Homes (Essex) against the decision of Uttlesford District Council.
  - The application Ref UTT/19/2355/DFO, dated 12 September 2019, was refused by notice dated 24 February 2020.
  - The proposed development is for the approval of reserved matters (layout, scale, landscaping and appearance) relating to the development of the site to provide 150 residential dwellings (Use Class C3) and associated infrastructure works.
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### Decision

1. The appeal is allowed and planning permission is granted for the approval of reserved matters (layout, scale, landscaping and appearance) relating to the development of the site to provide 150 residential dwellings (Use Class C3) and associated infrastructure works at Land East of Thaxted Road, Thaxted Road, Saffron Walden CB11 3BL in accordance with the terms of the application, Ref UTT/192355/DFO, dated 12 September 2019, subject to the conditions set out in the schedule at the end of this decision.

### Procedural Matters

2. Outline permission was previously granted on the appeal site for 150 dwellings with access. The reserved matters application now subject to appeal relates to layout, scale, landscaping and appearance details only.
3. I acknowledge that the submitted connectivity plan BW216 PL-09 Revision B did not form part of the planning application submission. However, given that the plan shows the level of accessibility of open spaces within the scheme rather than an alteration I have taken this into account in my decision.

### Main Issue

4. The main issue is whether the development provides adequate greenspace and amenity space also having regard to the location of the proposed play area provision.

### Reasons

5. The Council's advice on the preceding outline application is clear in that details relating to public open space provision would be a reserved matter and any details referenced at that particular stage were indicative only. The indicative

public open space provision was suggested as amounting to 2.84ha within the outline application and is suggested by parties to be around 2.7ha in the reserved matters appeal documents before me.

6. There is no adopted development plan policy specifying the quantum of green/public open space the appeal proposal can be assessed against. I note that the Council's Open Space Study Standards Paper (February 2019) OSSSP is part of the evidence base to a new local plan and does provide some context to how a future policy may be formulated. However, the Council's Draft Local Plan has been withdrawn and therefore I give the OSSSP little weight in my decision.
7. I acknowledge that green and amenity space provision is a key requirement in the layout of the scheme. Nevertheless, I also appreciate that it is a difficult balancing act to accommodate all the other requirements informing the layout of the scheme including road widths, sustainable drainage system provision, ecological enhancement, cycle path provision, parking, footprints for the 150 dwellings consented as well as providing acceptable separation distances. These are all factors influencing the layout associated to the planning conditions and s106 of the outline consent which the appellant has sought to accommodate.
8. I accept that the proposed residential gardens within the layout of the scheme provide a significant amount of private amenity space provision in addition to the open areas of usable and unusable space in dispute. Whilst mitigation measures to safeguard local ecology does reduce the level of usable open space in the overall development it is of a marginal nature. Furthermore, there are indoor and outdoor leisure facilities for the wider community on the opposite side of Thaxted Road to the application site which would be accessible to residents of the scheme.
9. A local equipped area of play (LEAP) with various play equipment is proposed close to the southern boundary of the site. This is where the land levels would be most even, and its location facilitates scope for safe walkable access. The site would be well connected with open space around its periphery which would enable road crossing to be avoided. I note that the position of the LEAP did not attract specific objections from the Council's technical advisors in relation to highway safety or natural surveillance issues during the determination period of the planning application. I also acknowledge that the Council's Environmental Health section advised that national objectives are unlikely to be breached from road traffic emissions. There is no substantive evidence before me to take a different view on those elements of the scheme. Whilst the LEAP is located on the periphery of the housing layout it would still be able to meet the needs of all users, as would the green space and amenity space provision elsewhere within the overall layout.
10. Thus, bringing all relevant points together. In the absence of an adopted policy which sets a defined local quantum for green and amenity space provision alongside the circumstances of the case outlined I do not find that the provision made within the scheme would be inappropriate.
11. I therefore conclude that the development would provide adequate levels of greenspace/amenity space inclusive of play area provision. The development would comply with Policy GEN2 of the Uttlesford Local Plan (ULP) (2005) which seeks to provide an environment which meets the reasonable needs of all

potential users; The Essex Design Guide (2018) Design Details Landscape and Green Spaces V.1 document which promotes good design principles for public open space and green space provision; as well as the provisions of the National Planning Policy Framework (the Framework) with similar aims.

### **Other Matters**

12. I acknowledge that the Council do not have a 5-year housing land supply. The most up to date figure referred to by parties suggests a supply of 2.68 years. However, the principle of the development has already been established at outline stage and I have found no conflict with the ULP with respect to the main issue of the case. As a result, housing land supply matters are not determinative to the outcome of the appeal. It is also the case that whilst the ULP housing policies are out of date Policy GEN2 continues to carry full weight when applying the advice of the Framework.
13. The Council have referred me to several appeal decisions<sup>1</sup> where other Inspectors have considered the supply position and continued to dismiss appeals where harm would result from development. Nonetheless, I do not have the full details of those decisions and some relate to outline permission rather than reserved matters stage. In any event, I have not identified any harm with respect to the main issue in contention.
14. I have carefully considered local objections to the appeal scheme referring to: visual harm; accessibility to services; highway safety issues; additional traffic; environmental and ecological impacts; air pollution; loss of privacy; loss of farmable land; pressure on local infrastructure; flooding; light pollution; lack of school places; public right of way obstruction and other concerns. I acknowledge that the appeal scheme triggers a substantial change to the local area. But the objections are made following the grant of outline planning permission where the development of the site for the number of units proposed has already been established. There is no substantive evidence before me that the remaining reserved matters subject to appeal would lead to harm or the obstruction of a public right of way. Therefore, I do not find that the local concerns referred to result in significant weight against the scheme.

### **Conditions**

15. The Council have suggested several planning conditions which I have considered. With respect to the proposed time limit specified there is already a default time limit on the original outline permission of three years for the submission of reserved matters, and that the development shall be begun no later than two years following final approval of the last of the reserved matters. The Council's suggested wording introduces a new limit of 3 years, but this would not accord with the condition imposed at outline which still applies and there is no reason evidenced why additional time to commence the scheme should be granted. Therefore, I do not conclude that the suggested revised time limit condition meets the test of necessity.
16. A condition requiring further landscaping details is required to ensure the appearance of the scheme is high quality. I have made a minor modification to the suggested wording allowing flexibility for the commencement of the scheme and to ensure that the approved details are fully implemented and

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<sup>1</sup> (APP/C1570/W/18/3209655, APP/C1570/W/19/3223694 & APP/C1570/A/13/2207388)

retained. A condition ensuring bin storage provision details is also justified to ensure living conditions are satisfactory, subject to minor modification also to allow implementation and retention of those details.

17. I have also included a standard condition relating to the approved plans for the sake of certainty. The approved plan list is in line with the Council's Decision Notice as other amendments would need to be subject to local consultation and I have no record of any further agreed changes between parties.

### **Conclusion**

18. For the reasons given above the appeal is allowed.

*M Shrigley*

INSPECTOR

### **Schedule 1 Conditions**

- 1) The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 2.
- 2) Notwithstanding any approved details, prior to any development above slab level full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The submitted details shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, species, plant sizes and proposed numbers/densities where appropriate; along with an implementation programme]. The details shall then be fully implemented prior to the occupation of the scheme and retained as such unless the Local Planning Authority gives written approval to any variation.
- 3) Notwithstanding the refuse strategy drawing submitted as part of the application (drawing BW216 PL-07 Revision C) details of bin storage locations which are located more reasonably closer to the dwellings that they relate to shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved scheme and the bin storage areas retained for the life of the development.

### **Schedule 2: Approved plans and documents**

192311-001; 192311-002; BW203-HA-050-01; BW203-HT-BM-01; BW203-HT-BU 01; BW203-HT-CN-01; BW203-HT-CN-02; BW203-HT-CS-01; BW203-HT-CT-01; BW203-HT-HI-01; BW203-HT-JE-01; BW203-HT-JE-03;

BW203-HT-PL-01; BW203-HT-QU1-01; BW203-HT-RE-01; BW203-HT-RE-02; BW216-HA-BA-01 REV A; BW216-HA-BA-02 REV A; BW216-HA-BA-03 REV A; BW216-HA-TI-02 REV A; BW216-HA-TI-03 REV A; BW216-HT-LU-01 REV A; BW216-HT-LU-02 REV; BW216-HT-TI-01 REV A;

BW216 PL01 Location Plan 30/09/2019 BW216-GR-01; BW216-GR-02; BW216-GR-03; BW216-PL-SE-01; BW216-PL-SE-02; BW216-PL-SE-03; BW216-SUB-01; PR162; PR162-03 A; PR162-04;

192311-006 A; 192311-007 A; BW216 PL-02 B; BW216 PL-03 C; BW216 PL-04 B; BW216 PL-05 B; BW216 PL-06 B; BW216 PL-07 C; BW216 PL-08 B; BW216 PL-EN-01; BW216 ST-01 B; BW216 ST-02 B; BW216-HT-JE-02; BW216-HT-JE-04; PR162-02 B; PR162-01 G; BW216 PL-03A.

DESIGN AND ACCESS STATEMENT

ECOLOGICAL APPRAISAL

PLANNING STATEMENT

TRANSPORT ASSESSMENT ADDENDUM