
Appeal Decision

Inquiry opened on 17 March 2015

Hearing session held on 18 March 2015

Site visit carried out on 20 March 2015

by Mike Moore BA(Hons) MRTPI CMILT MCIHT

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 June 2015

Appeal Ref: APP/C1570/A/14/2221494

Land off Thaxted Road, Saffron Walden, Essex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Kier Homes Ltd against the decision of Uttlesford District Council.
 - The application Ref UTT/13/2060/OP, dated 1 August 2013, was refused by notice dated 2 May 2014.
 - The development proposed is outline application with all matters reserved except access for residential development of up to 300 dwellings, pavilion building, extension to skate park and provision of land for open space/recreation use, including an option for a new primary school on a 2.4 hectare site.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Inquiry, an application for costs was made by Keir Homes Ltd against Uttlesford District Council. That application is the subject of a separate decision.

Preliminary Matters

3. The Inquiry sat on 17, 18, 19 and 20 April 2015. A hearing session to consider matters relating to the housing land supply was held on 18 April 2015.
4. The application was submitted in outline with all matters reserved except access. Application drawing 267/179/003 Rev B is an indicative masterplan showing a possible layout for the proposed development. However, such details are reserved for future consideration. After the application was received by the Council, the stated description of development was revised by the appellant company to that recorded above. This was to include reference to the option for a new primary school. The application was determined by the Council in that context. I have considered the appeal on this basis.
5. After the appeal had been made the Council resolved not to defend its decision at the Inquiry. As such, it offered no formal evidence to the Inquiry other than on the matter of whether or not there has been a record of persistent under-delivery when determining the buffer to be applied in calculating the 5-year housing land supply. This was the only matter of disagreement between the

Council and the appellant company identified in their Statement of Common Ground.

6. At the Inquiry I was provided with a completed and signed planning obligation between the appellant company, the Council and Essex County Council, dated 9 March 2015 ('the s106 agreement'). This covers various matters including the provision of affordable housing, land for recreation, a link road and a bus service, the option for the school site, financial contributions towards healthcare, a cycleway scheme, public open space and education. I consider later, as appropriate, the provisions of the agreement.
7. After the Inquiry had closed, the Minister of State for Housing and Planning wrote to the Chief Executive of the Planning Inspectorate on, amongst other things, landscape character in planning decisions. In the light of the main issues in this case, further comments on the Minister's letter were sought from the main parties and I have taken the responses into account in my decision.

Main Issues

8. Based on what I have read, heard and seen and having regard to national and local planning policy on the location and provision of new housing, the main issues are:
 - the effects of the proposed development on:
 - a) the character and appearance of the area;
 - b) the efficient operation of the local highway network;
 - c) air quality in Saffron Walden;
 - d) the living conditions of nearby residents in terms of possible noise and disturbance;
 - e) the best and most versatile agricultural land; and
 - f) local infrastructure and services, including education and waste water treatment;
 - and
 - whether or not the proposal would provide a suitable location for housing, having regard to the principles of sustainable development.

Reasons

Background and Planning Policy

9. The development plan for the area includes the saved policies from the Uttlesford Local Plan (LP), adopted in 2005. The Council has recently withdrawn from examination its emerging draft Local Plan (DLP), following the conclusions of the examining Inspector ('the DLP Inspector'), dated 19 December 2014, which set out soundness issues that could not be overcome by modifications.
10. As the DLP has been withdrawn, the provisions of paragraph 216 of the National Planning Policy Framework ('the Framework') in terms of attaching appropriate weight to policies in emerging plans cannot apply. However, the DLP Inspector's conclusions were based on his assessment of the recent evidence put to him at the examination. Where relevant to this appeal the evidence and the conclusions are a material consideration to which I attach substantial weight.

11. The appeal site fell within a proposed allocation in the withdrawn DLP – Saffron Walden Policy 1. The DLP Inspector concluded that in strategic terms this was a sound allocation, although he identified some risks to its effectiveness in the way that it was being brought forward. The appeal site comprises the southern part of the allocation while the northern part (the 'Manor Oak site') has a resolution to grant planning permission subject to a section 106 agreement. The central section, however, has not been subject to a planning application related to the allocation.
12. The Framework indicates that relevant policies for the supply of housing are not considered up to date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. In this case there was no dispute between the main parties as to the sites that comprise the land supply and their deliverability.
13. The DLP Inspector concluded that it would be reasonable and proportionate to make an upward adjustment to the objectively assessed need for housing in the draft plan by around 10% to about 580 dwellings per annum (dpa). Although the DLP has been withdrawn, the Council has subsequently based its calculation of the housing land supply on this requirement and the appellants have not challenged this. No alternative figure was promoted at the Inquiry. The 580 dpa is based on the evidence presented to the DLP Inspector at the recent examination and I am satisfied on the evidence for this appeal that it is the appropriate yardstick against which to measure the land supply.
14. The Framework requires that in calculating the 5-year supply against the requirement there should be an additional buffer of 5%, increased to 20% where there has been persistent under delivery of housing. The DLP Inspector concluded that the housing delivery performance had not fallen significantly below appropriate targets for the years in question and therefore that the buffer did not need to be increased beyond 5%. This conclusion accorded with that of a number of Inspectors determining housing appeals in the District¹. However, in a more recent appeal decision² relating to Bannister Green, Felsted that Inspector took a different view. Using the annual dwelling requirement suggested by the DLP Inspector she concluded that, as the Council would not have achieved this delivery target for the last 4 monitored years and in only 6 of the last 13, there had been persistent under delivery and the 20% buffer should apply.
15. The evidence for the DLP examination shows that in the period 2001 to 2014 house completions exceeded the appropriate target in 7 years and fell below it in 6. If the higher requirement of 580 dpa is applied to the years since 2011 that would have been within the DLP plan period, then the targets would have been achieved in 6 years and missed in 7. However, variations about the annual requirement are to be expected. The Council has exceeded its cumulative requirement for 9 of the 10 years since 2004 even if 580 dpa is used as the target for recent years. The housing requirement for this past period has otherwise been derived from the former East of England Plan which emphasised that the targets were minima with a need to provide for an upward trajectory of completions. Nonetheless, taking account of the peaks and troughs of the housing market cycle it seems to me that the evidence does not support a conclusion of persistent under delivery.

¹ Including APP/C1570/A/14/2213863, APP/C1570/A/13/2208075 and APP/C1570/A/14/2212188

² APP/C1570/A/14/2226257

16. The Bannister Green Inspector's decision was issued after the full conclusions of the DLP Inspector were published. However, it relates to a hearing event that took place prior to this. The decision refers specifically to his summarised conclusions, which did not comment on the housing land supply, and not to the full version, which did. There is no evidence that the Bannister Green Inspector was aware of the full conclusions. The land supply would have been subject to thorough consideration and examination by the DLP Inspector in a way that cannot be replicated in the course of determining an individual appeal.
17. My conclusion is that there has not been persistent under delivery and therefore a 5% buffer is appropriate. In that context, on the evidence before me there is a 5-year supply of deliverable sites in the District and policies for the supply of housing are not out of date as a result of that consideration.
18. Separate from housing land supply matters, the Framework indicates that the weight to be given to relevant policies in existing plans should accord with their degree of consistency with the Framework. In this case the LP predates the Framework.
19. LP Policy S1 in combination with the Proposals Map defines development limits for the main urban areas such as Saffron Walden, including proposed urban extensions. Policy S7 defines the countryside as all those parts of the LP area beyond the Green Belt that are not within settlement boundaries. The appeal site lies outside the boundary for Saffron Walden and therefore is within the countryside, which Policy S7 seeks to protect for its own sake. Policy S7 applies strict control on new building. Development is only permitted if its appearance protects or enhances the particular character of the part of the countryside in which it is set or where there are special reasons why the development in the form proposed needs to be there.
20. The Council's Comparability Assessment examines the degree to which each LP policy is consistent with the Framework. It indicates that there are no consistency implications for S1, whereas S7 is only partially consistent. In the latter case this is because the policy strictly controls new building whereas the Framework supports sustainable growth and expansion of businesses and enterprises in rural areas. Other appeal Inspectors³ have concluded that Policy S7 is consistent with the Framework, at least in part. I agree that, although the Framework does not seek to protect the countryside for its own sake, Policy S7 would nevertheless embrace an approach that recognised its intrinsic character and beauty and sought to protect valued landscapes. To that extent, this Policy is consistent with the Framework and I can attach full weight to that aspect.
21. Defining development limits assists in deciding where policies for the countryside apply and in principle is compatible with the Framework. However, as the LP only covers the period to 2011 and the settlement development limits were set in that context, this limits the weight that can be attached to Policy S1.

³ APP/C1570/A/14/2213863, APP/C1570/A/13/2209678, APP/C1570/A/14/2212188, APP/C1570/A/14/2226257

Character and appearance

22. The appeal site includes two areas of land - to the north and south of Thaxted Road. It is intended that the land to the north would accommodate the housing while that to the south would include the recreational uses and the option for the primary school. The land is currently in use as arable fields. It abuts existing leisure and residential development on the edge of Saffron Walden.
23. The site is not covered by any special landscape designation but is situated within the 'Cam River Valley' landscape character area, as defined in The Landscape Character of Uttlesford District (2006) (LCA). However, it is located in a tributary valley of the River Cam. Thaxted Road is in the valley bottom with the land sloping upwards on the appeal site to the north and, more gently, to the south. There is a limited relationship with the main part of the river valley due to the separation resulting from the presence of Saffron Walden to the west and higher ground to the south-west and north-east. The regional scale assessment in the East of England Typology confirms this by showing the site as being in a Settled Chalk Valleys character type reasonably enclosed by Saffron Walden and the more elevated Wooded Plateau Farmlands character type.
24. While the LCA identifies this as a character area with relatively high sensitivity to change, these factors mean that the site is not highly visible in panoramic inter and cross-valley views. The LCA suggests planning guidelines that include ensuring that any development on valley sides is small-scale and responds to historic settlement patterns, form and building materials. In terms of the setting of Saffron Walden, the Council's Historic Settlement Character Assessment (2007) concludes that, in respect of the land between The Kilns development on Thaxted Road and existing housing at Rylstone Way, the effect of development would be neutral. In summary, the contribution of the appeal site to the landscape character is limited.
25. The locality is crossed by a series of public footpaths from which the development would be seen and it would also be visible from other public vantage points, including from Thaxted Road, and from adjacent dwellings, particularly at Rylstone Way. However, there is a significant amount of existing and committed development on the northern side of Thaxted Road, separated from the existing main urban edge by part of the appeal site. This includes existing residential development at The Kilns, with planning permission for up to 52 units, an Aldi discount foodstore (under construction as part of a planning permission that includes retail warehouse units and a garden centre), a civic amenity site, salt depot and light industrial development.
26. The appeal site is in a location where the countryside meets the town. The existing development is prominent on Thaxted Road and, when fully completed, will amount to a substantial urban built form that will have a very significant effect on the character of the area. Many views of the appeal site, especially the part to the north of Thaxted Road where the housing would be located, would be in the context of this development and that existing on the urban edge of the town. There would be a significant local change here as a result of the appeal proposals, with development on arable fields, but the indicative masterplan shows that an appropriate layout and landscaping within and

around the development could be achieved that would assist in mitigating its impact.

27. The outdoor sports and recreational facilities part of the scheme would retain a largely open character. In any event, LP Policy LC4 supports such development outside development limits, including associated buildings. The school, if required, would be well related to the settlement and reflect a need for more school places. Apart from the Manor Oak site, there has been no indication of another alternative location for the school, which would therefore accord with LP Policy LC3, which deals with community facilities outside settlements.
28. Although the Framework does not seek to protect the countryside for its own sake, it nevertheless recognises its intrinsic character and beauty. It encourages the re-use of previously developed land and seeks to protect and enhance valued landscapes. Outside designated areas, the impact of development on landscape can be an important consideration. The Minister's letter on these matters refers to a number of other appeal decisions where Inspectors have given this factor significant weight. Development must be suitable for the local context and the Inspectors concluded that it was not in those cases. In this instance, the context is one of limited wider landscape and visual impacts and an acceptable relationship with existing and committed developments. As such, I conclude that the proposed development would not have a significant adverse effect on the character and appearance of the area. It would not conflict with those aims of LP Policy S7 that seek to protect the intrinsic character and beauty of the countryside.

Highways

29. Access to both parcels of land comprising the appeal site would be achieved through a new signal controlled junction on the B184, Thaxted Road, close to the existing skateboard park. Off-site highway improvements to the capacity of junctions at Thaxted Road/Radwinter Road/East Street and Thaxted Road/Peasland Road are proposed to provide some mitigation for the traffic effects of the development. These would be secured under the s106 agreement. Concerns have been expressed about whether the topography at the first of these junctions would accommodate the improvements, whether a safe pedestrian crossing could be achieved and the possible effect on trees. Taking account of the detailed drawings and my own on site observations, I am satisfied that the works would be achievable to a safe standard and that only poorer quality trees would be affected.
30. The application is supported by transport assessments which include forecasts of base traffic and committed development traffic flows. They examine the effects of the development on ten junctions in Saffron Walden, most of which are in or adjacent to a conservation area. The majority of junctions are forecast to operate above capacity without the appeal development but with the proposals they show limited further adverse impacts. There has been no objection from Essex County Council as local highway authority, having regard to its own assessment of the withdrawn DLP.
31. In the light of concerns expressed by the Town Council and 'We Are Residents', the appellant company has undertaken further analysis that, amongst other things, provides for a 90/10 split in the distribution of traffic to the north or south on Thaxted Road, rather than the 70/30 split assumed in the original work. The analysis also incorporates additional committed developments to be

- in place by 2020. The highway authority's response to the application was based on the original work. The DLP Inspector's conclusion was based on the highways implications of the full allocation in the light of the highway authority's assessment of the DLP and other evidence, but there is no indication that he took account of the 90/10 split in respect of the appeal site.
32. This is not an unrealistic scenario as the committed developments include sites in the 5 year housing land supply. The town centre and main locations for jobs, services and facilities (including schools) are to the north in Saffron Walden. All the affected junctions are to the north.
33. There has been some element of double counting of employment growth in the further analysis and assumptions have had to be made about some committed developments for which there has been no transport assessment. A Tesco store extension included as a commitment will not take place, the proposed travel plan or modal shift may have some impact, as may 'peak spreading' but these have not been modelled. Nonetheless, opportunities for re-routing trips on the constrained network in Saffron Walden are extremely limited. Furthermore, although no allowance is made for highway improvements in the town, other than the junction improvements proposed by the appellants, it is unclear with the withdrawal of the DLP as to what these should be, the timescale for delivery and funding arrangements. It has not been demonstrated that these factors in totality would significantly change the outcomes of the further analysis.
34. In terms of the results, the accuracy of queue length predictions diminishes significantly as the ratio of flow to capacity and the degree of saturation exceed 100%. Nonetheless, it is clear that the extent of congestion in the original assessments has been underestimated. The cumulative effect of the proposed development and other commitments would be significant at some key junctions in terms of additional delays and queuing at important times of the day.
35. Through the s106 agreement, the appeal proposal would secure the southern part of a link road that is intended to run from Thaxted Road to Radwinter Road through the withdrawn DLP Saffron Walden Policy 1 allocation. The owners of the central element of the intended allocation had agreed a statement of common ground with other interested parties whereby their land would be brought forward for development during the plan period in a manner compatible with the adjacent parts.
36. The DLP Inspector was concerned that the function and specification of the link road and its benefits had not been explained. However, the traffic modelling evidence for the appeal shows that it would assist in providing relief to the Thaxted Road/Radwinter Road junction and the local highway authority indicates that the intention is to channel traffic away from the town centre, forming a new cross town route. This would be in conjunction with a range of junction improvements around the town but I have indicated above my misgivings about these. With the withdrawal of the plan and no planning application for the central section of the Policy 1 allocation, there is no clear timescale for the delivery of the full link road.
37. In the shorter term it is intended that the Manor Oak development should facilitate an interim link road by using existing roads in the Shire Hall industrial estate. The planning permission for that development has not yet been issued

while a s106 agreement is being negotiated. There may be matters to be resolved concerning the alignment on the Manor Oak site and the industrial estate roads are busy with parked vehicles.

38. Overall, I can attach only very limited weight to the provision made for the link road in the appeal scheme or to any benefits that might result from the full route in the light of the uncertainties about delivery.
39. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of that development are severe. Given the number of junctions in the town that would be affected and the existing peak hour congestion, it has not been satisfactorily demonstrated that this would not be the case here. My conclusion is therefore that the proposed development would have a materially adverse effect on the efficient operation of the local highway network. In that regard it would conflict with the aims of LP Policy GEN1 which, amongst other things, seeks to ensure that traffic generated by development is capable of being accommodated by the surrounding highway network.

Air quality

40. There is an Air Quality Management Area (AQMA) in Saffron Walden due to concerns about levels of nitrogen dioxide (NO₂). In the order of 6,000 residents live in this area. The Council has an Air Quality Action Plan (AQAP) which focuses on measures to reduce traffic congestion in the historic market town with its narrow streets. LP Policy ENV13 includes the aim of seeking to prevent long term exposure to poor air quality. The Framework aims to prevent the adverse effects of air pollution. It states that policies should take into account the cumulative effects on air quality from individual sites and that planning decisions should ensure that any new development in AQMAs is consistent with the local AQAP. In this case the appeal site is outside the AQMA but traffic from the development would have implications for NO₂ emissions on roads and junctions within it and is a material consideration.
41. Concentrations of NO₂ have exceeded the annual mean objective of 40 µg/m³ at several locations in the AQMA. Forecasts of NO₂ produced by the appellants, other promoters of developments in the town and on behalf of Essex County Council for consideration of the DLP show a range of possible predicted future values. Key variables include assumptions about the cumulative effects of developments and the rate at which new European standards on motor vehicle emissions will bring down levels of pollution. In the latter context, both 'with and without emissions reduction' scenarios have been examined. The appellants also undertook further modelling of the cumulative air quality impacts of the likely developments in Saffron Walden in line with their updated traffic flow forecasts, including the revised distribution of traffic from the site on Thaxted Road.
42. Most of the forecast NO₂ concentrations are due to existing traffic levels and background emissions. However, in combination with other developments and in the 'without emissions reduction' scenario the proposals would contribute in a small way to increases in NO₂ at several of the receptor locations. The official forecasts of emissions reductions have been shown in the past to be optimistic. Nonetheless, some decline is likely as measures are put in place to ensure that vehicles meet the standards in reality. Taken overall, it is reasonable to assume that actual reductions will fall somewhere between the

forecasts and the 'no reductions' position. In the light of this conclusion it is unlikely that there would be any new exceedences of the NO₂ objective.

43. Applying the Environment Protection UK guidance on the significance of the air quality impacts of the development proposals, they would be at worst a medium priority consideration. On the balance of the evidence before me I am not persuaded that the air pollution implications of the proposals would be so significant that they would amount to a reason to dismiss the appeal. While I have attached only very limited weight to the possibility of the link road, this would be likely to offer air quality benefits to the AQMA. There would also be some small benefits or mitigation from the contribution the proposals would make to the Wenden Road cycle route and a travel plan for the site. Although the AQAP focuses on reducing traffic congestion, taking all these factors into account I consider that the proposals would accord with its underlying aims.
44. I conclude that there would not be a material adverse effect on air quality in Saffron Walden. As a result, the proposals would not conflict with the objectives of LP Policy ENV13 or the Framework.

Noise and disturbance

45. The proposals include an extension to the existing skateboard park which is situated adjacent to the site, next to the Lord Butler Leisure Centre. The nearest housing is at Tukes Way and Peal Road, separated from the facility by a mainly open area. There is existing concern at noise from the skateboarding activities.
46. Matters of scale, layout and appearance are reserved and the design and size of the extension to the skateboard park would be part of a subsequent reserved matter application. In combination with any conditions which might be appropriate at that stage, depending on the design details, this should address any issues of additional noise from that source.
47. A construction method condition would control noise and disturbance during the building phase of the development as a whole. In general terms the relationship between the overall development and neighbouring housing can be addressed in the detailed design so as to avoid any significant harm to living conditions.
48. In this context, I conclude that the proposal would not result in unacceptable additional noise and disturbance to nearby residents. As such, it would not conflict with the aim of LP Policy GEN4 that seeks to prevent material disturbance or nuisance to surrounding occupiers.

Agricultural land

49. The Framework requires that the economic and other benefits of the best and most versatile agricultural land should be taken into account. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
50. LP Policy ENV5 only permits development of the best and most versatile land where opportunities have been assessed for accommodating development on previously developed land or within existing development limits. Where agricultural land is required, areas of poorer quality should be sought except

where sustainability considerations indicate otherwise. This accords generally with the thrust of the Framework.

51. The appellant's detailed report on the land north of Thaxted Road shows it to be some 74% Grade 3a and 26% Grade 2, which is defined as the best and most versatile. Some 80% of land within the District is Grade 2. In concluding that the Saffron Walden Policy 1 allocation was strategically sound, the DLP Inspector did not identify the agricultural land quality as an overriding factor. However, I have seen no comparative assessment of development locations in Uttlesford. As such, while the loss of the best and most versatile land would be modest in the context of the general quality of agricultural land in the District, this would be a disbenefit of the proposal to be weighed in the overall balance in my decision. In the circumstances it would carry only limited weight but would nonetheless conflict with the aims of LP Policy ENV5.

Local infrastructure and facilities

52. Amongst other things, the s106 agreement seeks to address the implications of the proposed development for some local infrastructure by way of financial contributions. The Council does not have an adopted Community Infrastructure Levy (CIL) and there is a limit on the pooling of contributions from planning obligations. However, the Council's approach is to secure the necessary improvements through site specific funding from larger developments such as the appeal proposal and there is no evidence that the pooling limit would cause difficulties in this regard.
53. The s106 agreement provides for financial contributions towards both primary and secondary education as well as the land for the primary school site option, should this not occur at the preferred location in the Manor Oak development. The contributions are necessary and proportionate based on the likely numbers of pupils that the development would generate. The development by itself would not justify the whole of the school site and the agreement includes a mechanism which allows for a deduction from the financial contributions to allow for this. A contribution towards capital costs of additional healthcare on specific projects, commensurate with the needs generated by the development, would also be proportionate and meet the Framework paragraph 204 and CIL Regulation 122 tests.
54. The transfer of land south of Thaxted Road to the Council (or another public body) for recreational purposes and the contribution of £500,000 towards improvements to the skateboarding facilities, sports pitches, running track, a pavilion/associated building or buildings and car parking are included in the s106 agreement. These features fall within the description of development for the appeal proposal. It has not been suggested that the recreational provision would be insufficient to serve the residential development proposed.
55. The Uttlesford Open Space, Sport Facility and Playing Pitch Strategy (2012) identifies a District-wide need for some, but not all, types of sports pitches. However, while local sports clubs identified specific issues and aspirations for their organisations, there is no overall quantitative needs assessment for further provision in Saffron Walden itself.
56. The financial contribution is based on the cost of levelling the land rather than any detailed calculation as to the amount of playing field provision or facilities required by the proposed residential development. Indeed, the appellants'

Regulation 122 Assessment concludes that the land provision is larger than that required to mitigate the proposed development but that the “additional provision facilitates achieving the long term aspirations for Saffron Walden and addresses the current highlighted deficit”. I am in no doubt that the playing fields and other facilities would be a valued benefit for local people. However, I must apply the statutory tests in the CIL Regulations. These include that planning obligations are necessary to make the development acceptable in planning terms and are fairly and reasonably related in scale and kind. I cannot be sure that the recreational land and contribution meet these requirements. As such, they cannot be taken into account in my decision.

57. While concern has been expressed about the capacity of the Saffron Walden Waste Water Treatment Works to accommodate the proposed development in combination with other proposals, Anglian Water has indicated that the works can treat flows from the whole DLP site. Subject to a foul water condition, there are no clear technical reasons to sustain an objection to the proposal on these grounds.
58. Overall, in the light of these considerations, I conclude that the proposed development would not have a significant adverse effect on local infrastructure and services. It would therefore accord with the aims of LP Policy GEN6 which seeks to ensure that provision is made for infrastructure made necessary by development.

Sustainability of location

59. The Framework requires that developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However, opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Saffron Walden is the principal town in a mainly rural District and has a wide range of services and facilities. I note that the DLP Inspector in finding the larger proposed allocation sound in strategic terms raised no locational concerns relating to sustainable transport and access to services.
60. The appropriate distance thresholds to apply when measuring pedestrian access to facilities, including whether these should be crow-fly or on the ground distances or taken from the site access or the centre of the site, were disputed. The distances to several facilities are further than desirable but there is a reasonable range within a preferred maximum according to Institution of Highways and Transportation guidelines. The existing leisure centre and an Aldi supermarket, under construction, are adjacent to the site and there are employment opportunities at Shire Hill industrial estate.
61. The town currently has a high percentage of journeys to work on foot, reflecting its compact character and the distribution of employment opportunities. The site is closer to the town centre than some other existing residential areas. However, from some parts of the appeal site the town centre would be further than the preferred on foot maximum. I walked the most likely route, unaccompanied, as part of my visit. It would be reasonably straightforward in my estimation, albeit the distance would deter those less mobile.
62. There are almost no dedicated facilities for cyclists in Saffron Walden and the configuration of the road network, with its junctions, narrow streets and parked

vehicles, does not provide a good environment for cycling. This accounts in part for a low proportion of trips by that mode. The appellant's agreed contribution to the Wenden Road cycleway facility would assist with trips to Audley End rail station but this relates to a rural lane, outside the town itself. However, it remains that most of the town is within a reasonable cycling distance of the site.

63. The section 106 agreement provides for a bus service from the town centre to be supported for the first 5 years of the development at a frequency that is not out of place in the context of a rural market town. The agreement requires that bus stops should be within 400m of any dwelling. While the service would only be assured for 5 years and does not have to be in place until prior to the occupation of the 50th house, this would provide an opportunity for it to establish.
64. I consider that the various sustainable transport measures in the section 106 agreement are justified and proportionate, meeting the tests in the Framework and CIL Regulation 122.
65. A draft framework travel plan was submitted with the planning application. It is common ground between the Council and the appellants that the provision of such a plan, aimed at promoting the use of non-car modes could be achieved through an appropriate condition. Any contribution that the travel plan will make in this regard is likely to be very modest.
66. In terms of access to services and facilities by sustainable transport modes, my conclusion is that, taking account of the opportunities available in a market town in a largely rural District, the site would provide a suitable location for housing. However, this is only one part of a consideration of its overall sustainability. The Framework uses a much wider definition, identifying three dimensions to sustainable development – economic, social and environmental, which I consider below.

Conclusions and planning balance

67. In terms of the economic aspect of sustainable development the proposals would provide employment during the construction period and new residents would support local services and businesses. However, the conclusion on the effect of the proposals on the efficient operation of the local highway network is a significant negative factor with adverse economic effects through congestion and delays.
68. The Framework seeks to boost significantly the supply of housing. However, based on the evidence put to me, there is a 5 year housing land supply and the evidence that this was likely to continue for at least 2 more years was not contested. The Council is preparing a new local plan which is intended to be adopted by 2017 in accordance with the Development Plan Scheme. The additional houses provided by the appeal proposals would be a social benefit but these factors moderate the weight that I attach to that consideration.
69. The s106 agreement provides for 40% of the housing to be affordable (up to 120 units). This accords with LP Policy H9. The most recently published Strategic Housing Market Assessment (SHMA) for the District (2012) shows that about 54% of total needs are for affordable housing. On the basis of the current best estimate of objectively assessed needs, over 300 affordable dpa

would be required. However, the Council has recently changed the need criteria for inclusion on its housing waiting list, resulting in a significant reduction in numbers, suggesting a lower affordable requirement. The definition of affordable housing is broader than just those on the waiting list, who are likely to include mainly those in need of social rented properties. Nonetheless, this tempers the weight that I attribute to the provision of affordable homes here as a social benefit to be weighed in favour of the proposals.

70. The proposed development would provide some improvements to education and health facilities which, while proportionate to the scheme, would also be likely to provide some benefits to existing residents. There would be no unacceptable harm to the living conditions of nearby residents in terms of noise or disturbance.
71. In respect of the environmental dimension, I have concluded that there would not be material harm to the character and appearance of the area or to air quality in Saffron Walden. However, the loss of the best and most versatile agricultural land has not been justified.
72. The relevant LP policies on highway impacts and agricultural land are not out of date. On the basis of the current evidence, the harm that I have identified in these respects in combination would be significant, outweighing the benefits that I have outlined. Although the DLP Inspector had found the larger Saffron Walden Policy 1 allocation to be sound in strategic terms, he also identified risks to its effectiveness. In any event, the appeal site forms only part of that allocation. On the basis of the detailed evidence before me, overall the proposals would not amount to sustainable development.
73. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

M J Moore

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Robert Williams of Counsel instructed by Michael Perry, Assistant Chief Executive, Uttlesford District Council

He called

Alison Hutchinson
BA(Hons) MRTPI Partner, Hutchinsons Planning and Development Consultants

FOR THE APPELLANTS:

Simon Bird of Queen's Counsel instructed by Mr Garth Hanlon of Savills (UK) Ltd

He called

Jonathan Billingsley MA
BPhil CMLI Director, The Landscape Partnership

John Hopkins MSc
CMILT MCIHT Director, Transport Planning Associates

David Walker BSc MSc
PhD MIEMA MIEnvSc
MIAQM CSci CEnv Equity Director, Peter Brett Associates LLP

Garth Hanlon BSc MRTPI Planning Director, Savills (UK) Ltd

FOR SAFFRON WALDEN TOWN COUNCIL AND 'WE ARE RESIDENTS':

Matthew Reed of Counsel instructed by Birketts Solicitors

He called

Dr Michael Bull BSc PhD
FIAQM MIEnvSc CSci
CEnv Director, Ove Arup & Partners Ltd

Bruce Bamber MA CMILT
MCIHT Director, Railton TPC Ltd

Alan Storah BSc DipTP
DipMS MRTPI Planning Consultant

INTERESTED PERSONS:

Keith Mackman
Dan Starr
Richard Freeman
Mike Young
Uttlesford District Councillor
'We Are Residents'
Church Street Residents Association
Chairman, Wimbush Parish Council

Geoff Jones	Head Coach, WaldenJNR
Clare Thompson	Personal Trainer
Malcolm White	Former Clerk to Saffron Walden Town Council
Derek Jones	Chair, Saffron Walden Organisation for Sport
Chris Dodge	Development Officer, Saffron Striders Running Club
Ian McKernan	Chairman, Saffron Walden Rugby Club
David Peasgood	Chair, WaldenTRI
Ian Herd	Trustee and Chairman, Saffron Walden Skate Group and Hub Management Committee
Brad Howe	Skate Group Member
Rebecca Ilett	Trustee, Saffron Walden Skate Group and Hub Management Committee
Cameron Harris	Skate Group Member
Grace Mooney	Skate Group Member
Gill Haigh	Trustee, Saffron Walden Skate Group and Hub Management Committee
Jane Gray	Trustee and Secretary, Saffron Walden Skate Group and Hub Management Committee

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Section 106 agreement between the Council, Essex County Council and the appellants
- 2 Corrected section 106 agreement between the Council, Essex County Council and the appellants
- 3 Bundle of letters of support for the proposed development
- 4 Statement by Keith Mackman
- 5 Statement by Dan Starr
- 6 Statement by Mike Young
- 7 Statements by representatives of various sports organisations in Saffron Walden
- 8 Statements by members of Saffron Walden Skate Group and the Hub Management Committee
- 9 Statement of Common Ground – Matters of Disagreement between the appellants and Saffron Walden Town Council/We Are Residents
- 10 Extract from East of England Plan May 2008
- 11 Table showing cumulative delivery of housing against 10 year annual requirements submitted by the Council
- 12 Local Development Scheme February 2015
- 13 Minutes of Council Cabinet 17 February 2015
- 14 Extract from Landscape Character Assessment of Uttlesford District
- 15 Tables showing comparisons of traffic flows, committed development assumptions and traffic forecasts with and without mitigation submitted by the appellants
- 16 Summary of operational traffic assessments, including delays
- 17 Note on TEMPRO growth factors to 2020 from Mr Hopkins and email comments from Mr Bamber
- 18 Email 11 March 2015 from Essex County Council on the proposed link road and a travel plan
- 19 Email 20 March 2015 from Mr Hopkins on travel plan condition
- 20 Diagram showing links and junctions in Saffron Walden

- 21 Proposed cycle facility, Wenden Road, Saffron Walden: scheme outline plan and Highways Panel minutes 6 January 2015
- 22 Local Air Quality Assessment: Results of further modelling of 2020 opening year using 2013 and 2016 emission factors submitted by Mr Walker
- 23 EPUK Guidance Figure 1: Steps for Local Authority to Assess the Significance of Air Quality Impacts of a Development Proposal
- 24 Regulation 122 assessment of planning obligations submitted by appellants
- 25 Letter from NHS Property Services to Council 17 September 2013
- 26 Uttlesford Open Space, Sport Facility and Playing Pitch Strategy January 2012
- 27 Letter from Council to We Are Residents concerning sports and open space provision 9 May 2014
- 28 Council's Developer Contributions Guidance Document January 2015
- 29 Comments on Affordable Housing in Saffron Walden submitted by the appellants
- 30 Note on changes to the Council's housing waiting list
- 31 Email from appellants to Council concerning decision not to submit a second application

DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE INQUIRY

- 32 Draft conditions agreed between the appellants and the Council following the conditions session at the Inquiry
- 33 Council's comments on Minister's letter to PINS Chief Executive, dated 9 April 2015
- 34 Mr Storah's comments on Minister's letter to PINS Chief Executive, dated 17 April 2015
- 35 Mr Hanlon's comments on Minister's letter to PINS Chief Executive, dated 17 April 2015

PLANS

- A1-A4 Application plans