



UTTLESFORD DISTRICT COUNCIL

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The Planning Inspectorate
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20th May 2022

Your ref: S62A/22/0000002

Our ref: UTT/22/1040/PINS

Please ask for Mr Lindsay Trevellian on 01799 510
email: ltrevillian@uttlesford.gov.uk

Dear Sir,

**Regarding: Town and Country Planning (Section 62A Applications)
(Procedure and Consequential Amendments) Order 2013 (as
amended).**

Thank you for your letter of 26th April 2022 confirming that the Planning Inspectorate has received an application seeking planning permission for the conversion of buildings and demolition of buildings to allow the redevelopment to provide 96 dwellings, swimming pool and changing facilities, associated recreational facilities, access and landscaping at the site known as Former Friends School, Mount Pleasant Road, Saffron Walden.

The Council have now had the opportunity to review all the documentation that was submitted by the Applicant in respect to the proposals and wish to provide representation in respect of this application, including those comments from internal/external non-statutory consultees that have been consulted and including comments in respect of the manner in which the application is to be determined.

The application was presented to Members of the Planning Committee on the 11th May 2022. In addition to the issues defined in the officers committee report, the main planning merits in which Council would like the Inspector to consider as part of their assessment of the proposals include:

Saffron Walden Neighbourhood Plan:

In respect to the Saffron Walden Neighbourhood Plan, it was concluded by officers in paragraph 13.3 of the committee report that no weight should be afforded to the Neighbourhood Plan as highlighted below:

The Saffron Walden Neighbourhood Plan has been prepared in draft and is currently subject to examination. A response was received from the Inspector on 5 October 2021 which identified numerous concerns that includes the potential for the Plan to be withdrawn from examination. A focussed consultation on significant modifications took place between 1 March and 21 March 2022. Given the Inspector's concerns over the emerging Neighbourhood Plan and that its progress through examination is not advanced, it is considered that no weight should be afforded to the emerging Neighbourhood Plan in determining the application.

For this reason, officers did not take into consideration the policies contained within the Saffron Walden Neighbourhood Plan at the time of assessment.

However, following the completion of the committee report, the Examiner has confirmed that the Neighbourhood Plan on the 28th April has undergone Examination and that the Plan can now go to Referendum subject to the suggested modifications. The main modifications recommended by the Examiner are currently being prepared to the Plan prior to it going to a referendum. Taking into consideration the final comments made by the Examiner and that the Neighbourhood Plan has further advanced in respect to being 'made', the Council concluded that limited to moderate weight can be provided to the Saffron Walden Neighbourhood Plan.

For the reasons provided above, the Council request that the Inspector provides weight to the relevant policies contained within Saffron Walden Neighbourhood Plan. A list of the relevant policies has been provided separately for the Inspector's information.

Urban Design Comments:

The Council are now in receipt of Uttlesford District Council's urban design officer's comments in which a full copy is attached for the Inspector's information. The Council request that the comments provide by the Urban Designer are taken into full consideration by the Inspector as part of the planning merits of the application. In summary the Urban Design Officer has concluded that:

"It is difficult to fully support these proposals and reasons why are detailed below. Overall, it is positive to retain and bring new life to the Friends School building (providing there is evidence that the education authority is satisfied that the school building is surplus to requirements) and avenue of mature trees, but the quality of design needs to match up to the significance of the context.

The Avenue scheme is directly adjacent to the proposal scheme, and features in numerous best practice guidance documents and most notably the Essex Design Guide, the National Model Design Code and the National Design Guide. The Avenue demonstrates a well-designed place in the same context of the proposal site. In this scenario it is not difficult to interpret the requirements of the National Design Guide (and in turn the NPPF paras 129, 130, and 134) as they are manifest in the built form of the Avenue. This, of course, does not mean that a replica of the Avenue should be

provided, but the good design principles demonstrated by the Avenue need to be achieved on this site, given the proximity to the Avenue itself, and the importance of the former Friends School building. It is because of the inclusion of the Avenue in national guidance that it is referenced so heavily below.

It is understood that the applicants were encouraged to use the Essex Quality Review Panel (EQRP) and declined to do so. As the urban design officer I was involved in the pre-app process - but I compliment and do not replace the EQRP. Of all schemes that should use the EQRP, surely this is one of them, given the context of both exemplar contemporary architecture and valued historic buildings. Having said that, it is recognised that the applicant engaged with the authority and made some changes, but this is a minimum expectation on a scheme of this significance”.

Public Open Space, Landscaping, and private amenity:

The proposals lack clarification in respect to designated areas that are identified as either public open spaces or communal garden areas. Although a soft landscaping plan has been submitted identifying the amount of soft landscaping, no evidence has been provided as to what is defined as public space or communal space. The Council requests that the Inspector ensure that these areas are clearly defined.

Furthermore, although the supporting plans indicate that an appropriate size private garden area is provided for the new dwellings, no clarification or information has been provided as to the size and location of the proposed communal gardens for those units that form part of an apartment buildings.

In accordance with the Essex Design Guide, for a two or more bedroom flat, communal gardens must be provided on a basis of a minimum area of 25sqm per flat.

As such, it can't be determined whether the proposals comply with the above guidance. It is thereby suggested that the Inspector when assessing the application ensures that appropriate communal space is provided to meet the reasonable needs of the future occupiers in accordance with the above guidance.

Parking:

Conflicting information has been provided by the applicant in respect to the number of off-street parking spaces throughout the site. The supporting Transport Statement, Parking Plan, and the Schedule of Accommodation all provide different conclusions as to the number of parking spaces including visitor spaces. The Council request that the Inspector seek clarification as to the exact number of parking spaces proposed and ensure that they are in accordance with both the Uttlesford Local Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009).

Refuse:

The Council request that the Inspector takes into consideration appropriate refuse collection including access for collection vehicles, swept paths, appropriate storage facilities and capacity, and appropriate carrying distance in accordance with the guidance set out in the Essex Design Guide.

Vacant Building Credit:

It is acknowledged that the Applicant submits that 'Vacant Building Credit' applies in this instance and thereby no affordable housing provision is proposed.

The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more properties.

The affordable housing provision on this site would normally attract the 40% policy requirement as the site is for up to 96 properties. This amounts to up to 39 affordable housing properties if vacant building credit did not exist.

The Council are concerned of the lack of affordable units proposed as part of the application particular in respect to the difference of only 6sqm between existing and proposed total floor space.

The applicant submits that in this case the constraints of the application site amounts to:

- Existing floorspace is 10,596 sqm
- Proposed total floorspace is 10,590 sqm.

The Council request that the Inspector provides a full independent assessment to assess the viability of the site and check floor space measurements to determine what level of affordable provision needs to be provided.

Consultation Documentation

The following documentation is provided as part of the Uttlesford District Council's consultation response in which should form part of the Inspectors assessment of the proposals.

- Officers Committee Report
- Minutes of the Planning Committee Meeting (11th May 2022)
- Uttlesford District Council's Urban Design Officer Comments
- Uttlesford District Council's Housing Officer Comment
- Uttlesford District Council's Environmental Health Officer

Suggested Conditions:

Following discussions by members of the planning committee meeting held 11th May 2022, it was further advised by members that if the Inspector is mindful of granting consent for the works that the following conditions also be imposed in addition to those provided within the officer's committee report:

1. Prior to the commencement of development, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of the maximum number of dwellings and other development to be implemented within each phase of the development / development parcel. The development shall only be implemented in accordance with the approved Phasing Plan. This Phasing Plan shall not be amended without the written consent of the Local Planning Authority.

Reason: To ensure the satisfactory phasing of the development and to ensure that utility infrastructure is delivered in a coordinated and planned way in accordance with Policy GEN2 and GEN6 of the Adopted Local Plan and the NPPF.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place in respect to those house types referred to as 'Oak', 'Lime' 'Ash' and 'Assembly Hall' as identified on approved plan ref: Proposed Building Identification Plan' without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings/buildings, in accordance with Policies GEN2 of the Adopted Local Plan and NPPF.

3. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason: To ensure the continued well being of the trees in the interests of the amenity and environmental quality of the locality in accordance with Policy ENV7 of the Adopted Local Plan and the NPPF.

4. The works hereby permitted shall be carried out in accordance with submitted Tree Protection Plan Ref: 1642-KC-XX-YTREE-TPP01 Rev A unless otherwise agreed in writing by the Local Planning Authority.

Reason: Reason: To ensure the continued well being and protection of those trees covered by tree preservation orders and other important trees in the interests of the amenity and environmental quality of the locality in accordance with Policy ENV7 of the Adopted Local Plan and the NPPF.

5. Prior to first occupation of each residential units hereby approved, a scheme of the renewable features/ climate control measures assessment shall be submitted and approved by the Local Planning Authority. The details provided within the assessment shall be installed into the development as built and retained as such thereafter.

REASON: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with Policies ENV15 and GEN2 of the Uttlesford Local Plan (adopted 2005) and Uttlesford District Council's Interim Climate Change Policy document (2021).

6. Prior to commencement a noise impact assessment including representative background noise monitoring must be carried out and a mitigation scheme evaluated and designed by an acoustically competent person to include, but not be limited to, the following and identify any other potential impact:

Plant Noise - including extract ventilation and air conditioning - must be designed to be 10 dB below the representative background noise levels (LA90) over the time periods that the applicant wishes to operate.

Note the necessary ventilation of the premises must exclude the use of opening doors and windows)

- Music –amplified sound systems (including speech) should be able to limit the 31.5 Hz and 63 Hz octave band and or have appropriate sound insulation to (such as "box-in-box" Studio construction) to prevent the breakout of these frequencies.
- Weights - Noise and vibration impact from the dropping of free weights, kettlebells, cable station weights, weight machines, treadmills, etc
- Voices – suitable sound insulation to prevent the breakout of raised voices must be assessed and designed
- Prior to operation a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority.

If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise mitigation measures (where necessary to ensure

the appropriate noise levels can be met), shall be submitted and approved in writing by the Local Authority and installed and tested prior to operation.

The scheme shall be maintained thereafter.

Reason: To ensure future occupiers enjoy a good acoustic environment, in accordance with policy ENV10 of the Adopted Local Plan and the NPPF which requires appropriate noise mitigation and sound proofing to noise sensitive development.

7. No development shall commence until a noise impact assessment has been submitted to and approved in writing by the Local Planning Authority. Such a management plan shall identify measures to control noise emanating from the hereby permitted MUGA facility and tennis courts. Any identified measures shall be implemented in accordance with the approved plan at all times.

This shall be prepared by a suitably qualified and acoustically competent person and include, but not be limited to, mitigation of noise impacts from:

- Voices from users
- Whistles used by referees
- Rebound of balls against hard surfaces
- Crowd noise

There shall be no amplified speech or music used in the areas unless agreed in writing by the Local Planning Authority.

Reason: To ensure future occupiers enjoy a good acoustic environment, in accordance with policy ENV10 of the Adopted Local Plan and the NPPF which requires appropriate noise mitigation and sound proofing to noise sensitive development.

8. Prior to the occupation of the residential units hereby approved, a detailed floodlighting assessment shall be submitted and approved by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. The works thereafter shall be erected in accordance with the approved lighting assessment.

Any lighting that is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details. The scheme must conform to The Institution of Lighting Engineers Guidance for the Reduction of Obtrusive Light – Table 1 criteria.

Reason: To protect residential amenity in accordance with Policy GEN4 and GEN5 of the Adopted Local Plan and the NPPF.

9. Before the first use of the hall for regularised entertainment or amplified music a venue a noise assessment and report must be submitted and approved in writing by the LPA. The assessment must demonstrate that the Entertainment noise (LAeq,5min) has been controlled to 10dB below the prevailing background noise level (LA90, T) without the entertainment noise present, in each octave band at the nearest noise sensitive location.

An Electronic Sound Level Attenuation System otherwise known as an Automatic Gain Control (AGC) device or noise limiter shall be fitted before the amplifier in the signal chain with the thresholds of the limiter set on both the Left and Right stereo channels. The sound attenuation device shall be set by a suitably qualified acoustician/sound engineer so that it maintains compliance with the criteria in condition 1 above and secured so that it cannot be overridden by persons other than the appointed sound system engineers/acoustic consultant. The sound attenuation device shall not be altered without prior agreement with the LPA or Environmental Health Service. The specification of the Sound Level Attenuation System shall be submitted to and approved by the LPA.

Reason: To ensure future occupiers enjoy a good acoustic environment, in accordance with policy ENV10 of the Adopted Local Plan and the NPPF which requires appropriate noise mitigation and sound proofing to noise sensitive development.

In addition to the above suggested conditions, it is also recommended that as part of condition 18 suggested in the officers committee report that further to points A) to K), a further point to be known as point L) requiring that the Construction Management Plan (CMP) to “Pre- development engagement with the community, delivery times, no off-site parking and details of contact persons”.

The Council also seek confirmation from the Inspectorate that any pre-commencement conditions that the Inspector feels necessary to imposed, that the Council have the right to seek the appropriate application fees if the details of these conditions are submitted to the Council for discharging.

Summary:

Subject to all matters being resolved and fully assessed as identified above the Council RESOLVED that PINS approve the applications subject to completion of a S106 and conditions as set out in section 16 of the report, together with the headline issues highlighted above.

Yours faithfully



Interim Director Planning & Building Control

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