

Our Ref: LF/23061

20 September 2024

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S62a Application Team  
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Dear Ms Palmer

**Response to Consultation Comments**

**S62a Application**

**S62A/2024/0057 Former Friends School Field, Mount Pleasant Road, Saffron  
Walden, CB11 3EB**

As the consultation period comes to a close, we have undertaken a review of comments received from third parties. We note that at the time of writing we have not had sight of any response from the Local Planning Authority and would welcome the opportunity to respond to any comments raised.

We have sought to respond to the consultation responses received in turn.

**Essex Police**

The desire to have a scheme that complies with the Design Out Crime is understood and the comments of the Officer are welcomed. The applicant is content that most of these issues can be dealt with by means of appropriately worded planning conditions and relate to detailed design elements.

In respect of the details for the clubhouse, the details are currently subject to discussions with the Town Council and should they seek to take on the building, any security measures will need to be suitable to connect with their existing systems.

**Essex Highways**

Parking is provided in accordance with Essex Highway's Standards and visitor parking has been provided in a manner appropriate to the overall development proposal without the scheme becoming overly road and car dominant.

**Steven Barker**  
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**Liz Fitzgerald**  
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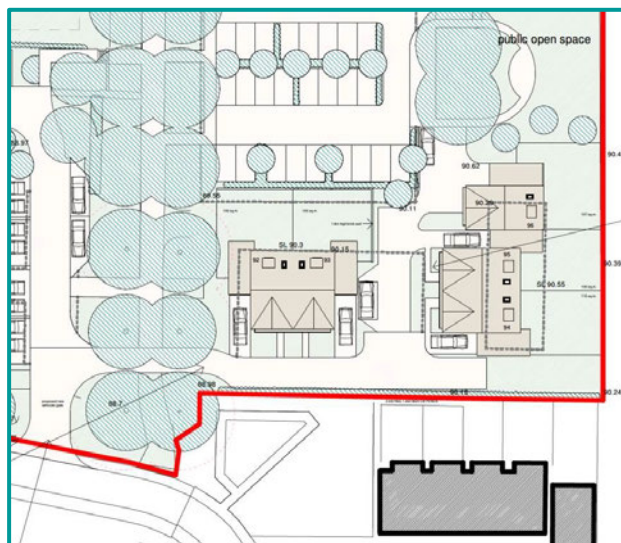
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The site is located in a highly sustainable location within one of the main urban settlements of Uttlesford. Regard must be given to the sustainable nature of this site and the balance between the delivery of parking provision, over the desire to encourage people away from the private car and onto non-car modes of transport.

The nature of the road alignment proposed does not lend itself to on-street ad hoc parking.

The comments regarding the delivery of the cycle connection to the west are noted, however the proposal seeks to connect to a residual grassed area and not parking, as shown in the below extract.



The comments on the Transport Assessment information have been reviewed and a Technical Note by Paul Basham Associates responding to the matters is provided.

#### Lead Local Flood Authority

Updated information has been provided with this letter to respond to the specific points raised by the LLFA. In response to their comments, we comment as follows:

- 91 dwellings and a clubhouse/sports facility using the National Trip Analysis would produce more than 300 traffic movements daily and therefore sufficient water quality treatment needs to be demonstrated for a Medium Pollution Hazard Level. Please update the Mitigation Indices in accordance with the Simple Index Approach.

*We disagree. The ultimate 'receptor' for surface water runoff is the deep groundwater table below the site, conveyed via cellular soakaways or permeable paving, with each soakaway/section of permeable paving dealing with a much smaller overall catchment.*

*No single catchment which infiltrates to ground will exceed 300 traffic movements daily, and therefore a Low Pollution Hazard Level remains applicable.*

*It would be accepted that 300 traffic movements would require a medium hazard level if, for example, we discharged to a watercourse via a single headwall outfall.*

- It must also be demonstrated how the runoff from the residential roofs will be sufficiently treated.

*Roof runoff is inherently 'clean' and will receive sufficient filtration as it passes through the considerable quantum of natural soils (unsaturated) below the site before reaching the water table at circa 40m below site level.*

- Water quality is of particular importance since the site is located within a Source Protection Zone.

*Water quality is very important, particularly on those developments which pose a greater risk of pollution entering the environment.*

*This is acknowledged and adhered to with this drainage strategy. This low risk environment (residential development) incorporates a stage of surface treatment for all new roads and parking areas in the form of permeable paving.*

- It is unclear where the proprietary product included within the Mitigation Indices (Appendix A2) is located on the drainage plan.

*Apologies for the confusion. This is an error. A Proprietary Product is not proposed and has been removed from the Simple Index Tool.*

*Revised report attached.*

- Soakaways should be a minimum of 5m away from any foundations and up to 20m if infiltrating into chalk. In addition, where permeable paving is infiltrating additional water from other sources (e.g. roof areas), an offset from the building foundations is needed. Please confirm the distance the soakaways will be located from any foundations and any offset for the permeable paving.

*New soakaways are to be located a minimum of 10m away from building foundations.*

*A greater distance is not required in this instance as no solution features have been recorded on or in the near vicinity of the site.*

*Permeable paving will only deal with its own surface area (ie no additional input from other catchments). It will also be laid fairly level (circa 1:100 gradient)*

*A standard detail will be adhered to which provides a short lapped section of impermeable membrane (0.5m wide) where permeable subbase material abuts a building.*

- As soakaways SA1 and SA2 are located within access roads, please confirm that these roads will be unadopted and remain private.

*The onsite roads are to remain private.*

- The dimensions of the soakaways shown on the drainage plan do not appear to correspond with those within the modelling. Furthermore, SA-05 is completely omitted from the hydraulic modelling. Please update the modelling accordingly.

*The sizes given on the drainage plan are plan areas in m<sup>2</sup>, whereas the calculations give a length and width. We are satisfied that these do correlate (ie when multiplying the LxW to give an area in m<sup>2</sup>).*

*SA-05 provides a fail-safe outfall for a section of land drain at the foot of an earth-batter to a partial perimeter of the playing fields. It does not serve an impermeable catchment such as roofs.*

*The greenfield catchment of this batter is 0.14Ha, and taking a highly cautious approach, we are calculating this as 60% impermeable for the purpose of designing the receiving soakaway.*

*Calculations now provided in the revised report (attached).*

- Please can clarification be provided regarding the area the hydraulic modelling covers (0.884 ha). The modelling should include all contributing draining areas to ensure the storage features have been sized appropriately.

*We accept that this would benefit from some clarification which the revised report (attached) endeavours to do.*

*In summary, the total paved/roofed area of the site extends to **1.722Ha**.*

***0.734Ha** of this catchment is roof area which discharges to SA's 1 to 4.*

***0.988Ha** of this catchment is road and parking areas which discharges via Permeable Paving (Interpave System A – full infiltration).*

- The MADD Factor/Additional Storage value should be set to 0 within the drainage modelling.

*The calculations have been updated to set the MADD Factor to 0.*

- ██  
██
- Please clarify the discharge location mentioned within the Maintenance Plan: “enhance the quality of the rainwater prior to discharge into the receiving sewer”.

*Apologies this is confusing, the report has been amended to remove the references to ‘receiving sewer’.*

*All surface water is to discharge via infiltration.*

- Please clarify the discrepancy in the site size mentioned within the FRA (0.345 ha) and the Drainage Strategy (6.96 ha).

*The FRA prepared by AMAZI has been revised to correctly state the site area as 6.96Ha.*

*Revised version attached.*

### Sport England

Sport England confirm that they are not a statutory consultee for the purposes of the application.

The site has not been in use as playing fields primarily associated with the former school for some 7 years and the associated facilities are subject to conversion and re-development in association with the adjacent Former Friends School development.

The sports pitches have already been lost for a substantial period of time and there is no intention to re-open them. Moreover, if the fields were still available they would lack any associated facilities, changing rooms or parking, such that they would be unattractive and lead to parking in adjacent roads and on street.

The Sport England’s exceptions criteria are no longer applicable to the consideration of this application.

However, it is acknowledged that there is a general deficit in provision within the area of playing fields, hence the inclusion within this application of the provision of playing fields and modern changing facilities that would be of benefit to the local community.

Sport England suggest that Policy LC1 is not out of date as it aligns with Paragraph 103 of the NPPF. Unfortunately, it appears that the assessment as to whether a policy is out of date has been missed. It is not a case of ascertaining whether it follows the content of the NPPF but whether the Council can demonstrate a 5 Year Housing Land supply and pass the Housing Delivery Test. As they fail on the Housing Delivery Test, regardless of the 5 Year Housing Land Supply position paragraph 11d of the NPPF is engaged. Paragraph 11d advises that the most important policies for the determination of the application are out-of-date.

The Regulation 19 Plan is still subject to consultation and has not been submitted for Examination, it is not therefore considered to carry any weight at this time.

There are no policies within the Neighbourhood Plan that expressly protect the playing fields. Paragraph 14 of the NPPF does not apply in this case as the Neighbourhood Plan does not make provision for any unmet housing need within the Saffron Walden Area, as is required by paragraph 14b).

The provision of the pitches in a flexible manner as proposed would enable the operator of the clubhouse to have a variety of end users that would facilitate viability. The application demonstrates that it is a space not solely suitable for one use, but for whichever club wishes to make the use of the space. Sport England have suggested that the proposal is potentially too small for cricket use, a position not expressed in their pre-application response, however, this position overcomes the concerns of the FA and a full sized adult pitch is capable of being provided.

The site has the proposed space for playing fields, has a variety of options available for an end user and is not seeking to resolve all of the needs locally but assist in providing some pitches that will assist in supporting local need.

The applicant is content for a condition to be imposed to require the pitches to be delivered to meet the Sport England Natural Turf for Sport design guidance.

In respect of the clubhouse, this has been re-designed following comments from Sport England at pre-application stage.

Ball strike is a matter that has been addressed. The plan shows the ability for netting to be installed that can be raised and lowered as necessary to mitigate against the risk. It should be highlighted that this was always a risk when the pitches were historically available and was unmitigated.

If Sport England's logic is followed, these pitches could be re-opened with no re-grading or alteration to provide appropriate and quality pitches to Sport England standards and not mitigate against any ball strike risk and moreover, with no changing or clubhouse provision associated with them.



This scheme therefore represents a significant improvement on the facilities that could be available which are no longer either available or intended to be re-provided.

### Heritage and Conservation

It is acknowledged that the school site and playing fields are referenced in the Conservation Area Appraisal and Management Proposal, however, this does not have regard to the significant changes that have occurred on the school site since the formulation of the Appraisal.

The quality of the construction can be seen by virtue of the applicant currently undertaking the development adjacent. The materials have been kept high-level to provide a good indication of the appearance of the scheme, but retaining the ability to provide details as part of a condition discharge at a later time. This will enable regard to be had to the availability of materials at that time.

In respect of form and scale, the application is made in full so the details are contained within the submissions to enable an assessment to be made of the application. There are street scenes contained within the Design and Access Statement Section 5.

If considered appropriate, further landscaping information can be secured by means of an appropriately worded planning condition.

Proposed elevations of the clubhouse are contained at section 7 of the Design and Access Statement.

### Environmental Health

The response references a MUGA which is not included within this application.

### Ecology

The comments from Place Services are noted and the metric has been updated accordingly, with the grassland changed from moderate to good.

This still results in the need for off-site BNG mitigation to the value of 10.45 units, which will be included within the S106 Agreement.

### Housing

A Schedule of Accommodation was provided on the 27 August 2024 and no further comments have been received.



There is no dispute that there is a need for affordable housing within the Council's administrative area. The Council's webpage acknowledges that the waiting list is longer than there are properties available.

The scheme delivers the required 40% affordable housing provision and has a Registered Social Landlord keen to take the properties, as can be seen by the letter submitted by B3 Living.

The clustering of affordable properties is also important to the Registered Social Landlord to enable ease of maintenance and the delivery of high-quality management to their tenants.

All evidence relating to affordable housing delivery is split according to the delivery of properties with the necessary number of bedrooms required, which has been complied with in this application.

#### S106 Matters.

The comments from the County Council's Infrastructure team are noted and will be incorporated into the Legal Agreement.

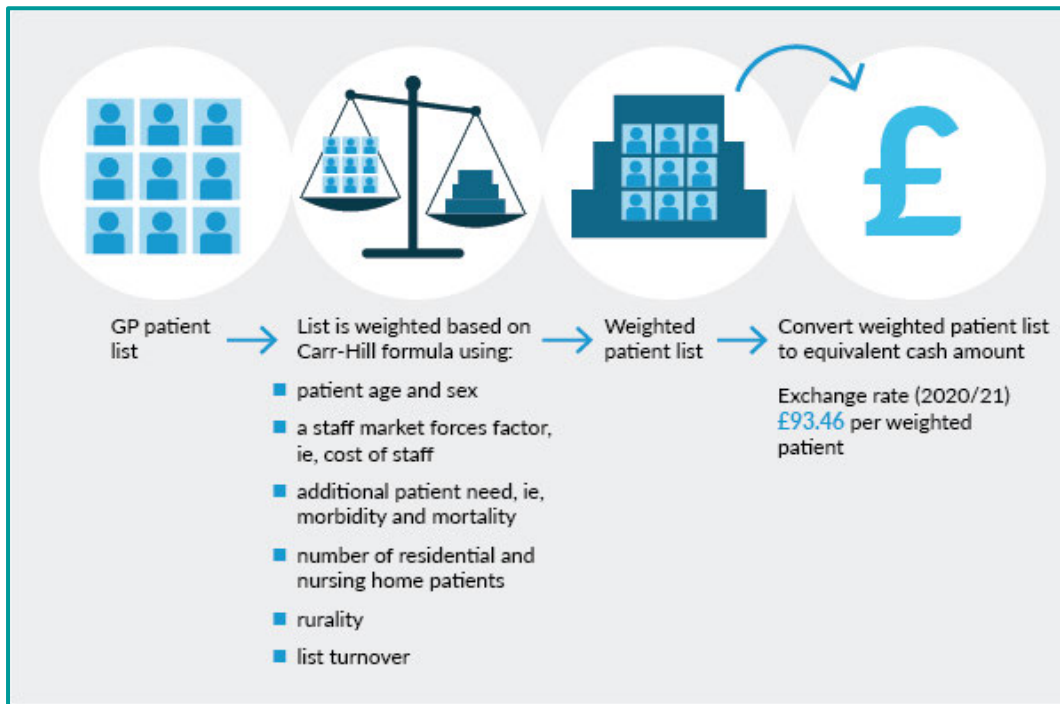
The requests from Uttlesford District Council were received on the 18 September and discussions have commenced with Saffron Walden Town Council with a view to agreeing details to be included in the Legal Agreement in respect of the playing fields, clubhouse and open space and trees around that space.

Open Space to the north of the clubhouse parking area and adjacent to the western boundary are proposed to be retained within the control of the wider management company. This space has been designed to form part of the open space and play provision being delivered as part of the Former Friends School development and as such it is not proposed to incorporate any boundary treatments in this area. This would create management issues if a single area were controlled by two separate parties, hence the legal agreement will retain that area in the Applicant's control and then be transferred to the management company.

Lastly, the NHS has sought a contribution towards additional primary healthcare services within the area.

There is no doubt that new residential development has the potential to generate additional demand on healthcare services locally, however, that does not automatically translate to the need to contribute to those services, especially where they are funded from Government sources, this would essentially mean funding would be received twice. Further, there is no evidence to suggest that the occupants of the entire development will be new to the area and therefore place additional burden on the services provided.





The patient list information provided covers the entire North Uttlesford PCN area and provides nothing specifically in respect of the Saffron Walden surgeries that will be impacted by additional patients.

The healthcare needs arising from the proposed development are not clear and in fact states: "to mitigate the primary health care impacts from this development, has been calculated using a formula based on the number of units proposed and does not take into account any existing deficiencies or shortfalls in Saffron Walden and its vicinity, or other development proposals in the area"

Further the sums have not had regard to the proposed housing mix, which is available as the application is in full. Additionally, no indication of the indexation is provided. The document referenced 'Premises Principles of Best Practice Part 1 Procurement & Development' is not readily available online, so there is no mechanism to assess the validity of the calculations stated.

Most importantly, there is no specific scheme identified or costed, nor demonstrated as deliverable.

In seeking NHS contributions, regard must be given to the following High Court decisions: *The University Hospitals of Leicester NHS Trust, R (On the Application Of) v Harborough District Council [2023] EWHC 263 (Admin)* and *Worcestershire Acute Hospitals NHS Trust, R (On the Application Of) v Malvern Hills District Council & Ors [2023] EWHC 1995 (Admin)*.

Essentially the NHS is required to demonstrate that the request for a contribution falls within the legal tests set out in S106(1) of the Town and Country Planning Act



1990 and Regulation 122(2) of the CIL Regulations. Further that the request is as a result of a 'funding gap' that arises as a result of the development directly.

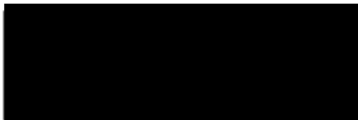
From the information provided, there is no scheme to fund and no reason why funding would not be forthcoming from national sources to mitigate against an existing demand or need. It is not therefore considered that the NHS has demonstrated that this request is CIL compliant.

The sum requested has been written into the S106 Agreement but with a '*blue pencil*' clause that requires the Inspector to determine whether the contribution is required or not in any written decision.

The S106 Agreement is currently being agreed with the relevant parties and will be provided in accordance with the appropriate timescale.

We trust the above assists in the determination of the application, if anything further is required, please do not hesitate to contact me.

Yours sincerely



**Liz Fitzgerald**  
Managing Director