

UTTLESFORD DISTRICT COUNCIL

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Inquiries and Major Casework
The Planning Inspectorate
Room 3/J Kite Wing, Temple Quay
House
2 The Square, Temple Quay
Bristol
BS1 6PN

9 October 2024

Your ref: S62A/2024/0057

Our ref: UTT/24/1898/PINS

Please ask for Timothy Cakebread [REDACTED]
[REDACTED]

Dear Sir/Madam,

TOWN & COUNTRY PLANNING (SECTION 62A APPLICATIONS) (PROCEDURE & CONSEQUENTIAL AMENDMENTS) ORDER 2013.

FORMER FRIENDS SCHOOL FIELD, MOUNT PLEASANT LANE, SAFFRON WALDEN

Thank you for your email dated 26 September 2024 stating that the applicant has submitted additional information to the pending planning application which is seeking the following:

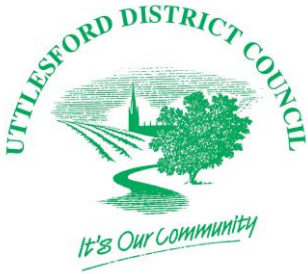
'Erection of 91no. dwellings with associated infrastructure and landscaping. Provision of playing field and associated clubhouse'

The Council has now had the opportunity to review the revised information which is a response from the applicant from (1 October 2024) to the Council's consultation response (20 September 2024). This provides the applicants position to 10 key issues that the Council raised in objection to the above planning application. These issues were raised by Members of the Planning Committee on the 18th September 2024.

This letter provides a response to the applicant's assessment of the 10 key issues (in bold).

- 1. Given that the site is designated as an Important Open Space within the Saffron Walden Conservation Area (2018) the proposed design quality should be exemplary. Both the Design and Conservation Officers (at Uttlesford District Council) consider that the proposal is not exemplary, and this is unacceptable at this location.**

Revised response: The applicant states that part of the site is within the Saffron Walden Conservation Area, the whole part of the site other than the woods to the south east are within the Conservation Area. The Saffron Walden Conservation Area Appraisal (2018) states that the former playing field is considered to represent an important area of open space which juxtaposes the tight built form of the modern



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development surrounding it. The site is classified as an important open space and the following case law provides evidence of other applications that have been refused on important open space and in particular where other Councils are in the presumption of sustainable development.

- A dismissed appeal in Wychavon 25/03/2020 DCS No 400-025-428 where the Inspector considered that the harm to the character and appearance of appearance of the area, loss of a designated green space, and less than substantial harm to the significance of heritage assets which was not outweighed by public benefits including provision of 80 per cent affordable housing and public access. This case also had community support for its retention suggesting it was of value.
- A dismissed appeal in West Berkshire 19/06/2008 DCS No 100-056-188 where the Inspector stated that the residential proposal was not an acceptable development due to the impact of the proposal onto important open space, despite the open space being private land in a poor state of condition.
- A dismissed appeal in Sheffield 23/09/2021 DCS No 200-010-374 where the Inspector stated the importance of accessible open spaces in densely built environments, had become apparent by the need to stay local and work from home during the pandemic. They also found harm to the area's character arising from replacement of open space with substantial built form, which they considered would diminish the sense of place. Applying the tilted balance in favour of sustainable development triggered by a housing land supply shortfall, they concluded that the scheme's adverse impacts outweighed the benefits of the new homes.

The applicant includes a quote from UDC Urban Design Officers consultation response and the relevant part is provided in full as follows:

Overall, the scale, layout and uses proposed are considered acceptable, subject to further comments below. However, given the sites location within a Conservation Area and its value as a Protected Open Space, the design quality should be exemplary and whilst this scheme meets the threshold for acceptable design quality, it falls short of exemplary.

The above demonstrates that even though UDC must apply the titled balance in favour of sustainable development the proposal does not address the impact onto the important open space designation of the site within the Conservation Area. This is supported by the UDC Conservation Officers response:

I do not consider the proposals to result in harm to the significance of the listed buildings in proximity of the site. However, paragraph 212 of the NPPF



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(2023) states that new development within a Conservation Area should enhance or better reveal its significance. In my opinion the current scheme lacks detail and exceptional design quality to justify its position within a Conservation Area, and the loss of designated Open Space.

In conclusion, the proposal needs to be exemplary to overcome the important open space designation within the Conservation Area.

2. The application provides no designated children play space and this is wholly unacceptable given that this proposal is for 91 units.

Revised response: The applicant's position that the adjacent school site will provide tennis courts, a MUGA and open space does not comply with Policy SW17 of the Saffron Walden Neighbourhood Plan (2018) which states each new development should provide 75.1 sqm per person of green open space for informal recreation and that play space should be in locations central to the development. The applicant has not mentioned this policy or how the proposal complies with it.

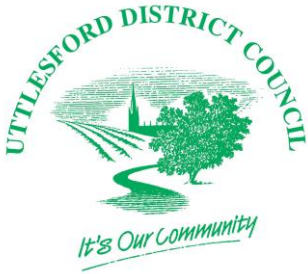
Moreover, the applicant Proposed Community Use Plan (to discharge the section 106 obligations under Schedule 2,3,6 paragraphs 1.1) proposes that the MUGA and tennis courts will not be freely available, rather they will be bookable, and a charge incurred for hiring of them. Thus, these two facilities are not publicly available.

The District Wide Design Code (2024) guidance states under N1.7C that open space provision should be within 10 minutes walking distance of the site. The MUGA at Peatland Road is roughly 10minutes walking distance for half of the site and the facilities at Lord Bulter Leisure Centre are not within a 10 minutes walking distance.

In addition, guidance under N1.9C states that major application must include exciting multisensory play spaces for children and young people of all ages. These must be well integrated within the urban realm or the open space network.

The applicant position on open space provision is not acceptable, nor is the suggestion that if this is considered necessary that it will provide additional site play provision adjacent to the western boundary within the proposed open space area. Neither is in accordance with the above policy or guidance.

3. Both the market and affordable housing mix does not comply with the required mix as stated within the Local Housing Needs Assessment Report (June 2024). The affordable housing is in one cluster which is contrary to the Design Code SPD. This is position is endorsed in the Housing Officer consultation response.



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Revised response: The applicant's response has not addressed the concerns from the UDC Housing Officer in respect of the required housing mix for both the market and affordable housing units as supported by evidence in the Local Housing Needs Assessment Report (June 2024).

- 4. The applicant has not undertaken a public consultation and has undertaken little to no engagement with local stakeholders, such as local sports clubs who could use the proposed sports pitches (see the consultation response to PINS from Saffron Walden Community Football Club). This would help ensure that the club house and sports pitches are tailored directly to the local need to ensure the facility is properly utilised.**

Revised response: the applicant states that it is not a legal requirement for public consultation to occur which is correct. However, the Statement of Community Involvement (2021) guidance states that for all major planning applications applicants are strongly encouraged to involve the community before a formal application has been submitted as this will help to address issues and may help to avoid unnecessary objections being made at a later stage. In addition, the District Wide Design Code states that the Council expects large development proposal to engage fully with communities to shape and test ideas (pre-application).

The lack of a public consultation is against the guidance set out above and this lack of engagement has resulted in the large amount of objection letters from members of the public and stakeholders.

- 5. Sports England who are a non-statutory consultee have expressed serious concerns over the re-provision of the sport pitches and the lack of engagement with local sports clubs as per the point above.**

Revised response: No additional comments to make as Sports England comments are clear and supported by consultation responses from Saffron Walden Community Football Club, Saffron Walden Cricket Club and Walden Triathlon Club.

- 6. The proposal bases the current need for sports pitches on the Playing Pitch Strategy and Action Plan (2019) which has now been updated by the Playing Pitch and Outdoor Sports Strategy Winter Assessment Report (June 2024). A summer assessment is due to be published shortly. The proposal does not correctly assess the current demand and existing provision of sports pitches.**

Revised response: the applicants responses clarifies that the proposal '*may not solve the entire shortfall*' this position is now contrary to there submitted position and reinforces non-compliance with Policy LC1 of the Local Plan and Policy SW16 of the



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Saffron Walden Neighbourhood Plan. In addition to clarify the applicants position the proposal is either for 1 adult pitch or 2 junior pitches, not all three.

7. The proposal does not provide a like for like replacement of sports pitches and is contrary to the Development Plan.

Revised response: No additional comments to the Council's position on the proposal with the officers committee report.

8. The northern row of detached housing is on a gated driveway. Gated proposals are contrary to guidance within the Saffron Walden Neighbourhood Plan (2022).

Revised response: The applicant proposal that this road remains ungated is supported.

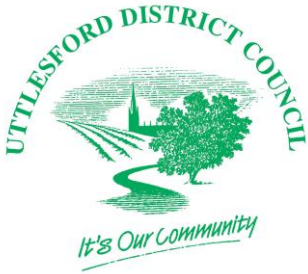
9. The proposal includes no evidence to support that there will be no negative impact of the sports pitches on to the residential properties which surround the pitches, e.g. ball catching nets, noise and light pollution.

Revised response: The applicant has provided a response, but the Council remains unconvinced that this position has been fully considered given the proposed location of the pitches relative to the surrounding residential properties.

Lastly the applicant concludes that the Council have not provided 'weighting' to both the benefits and disbenefits to the proposal. It is unhelpful that the applicant has not provided the exact benefits, neutral factors and disbenefits as set out in the case officers committee report. To avoid any confusion the following is the weighting (in bold) of the benefits, neutral factors and disbenefits of the proposal using the text from section 13.13 of the case officers report. This is noting that the applicant considers some of the items sit in different sub-sections, such as some of the neutral factors being benefits and that they consider some of the weighting to be different.

Benefits of the proposal

- A new club house and associated sports pitches will meet identified need for both within the sub-area **Great positive weight**
- The protected open space (woodland) in the south east of the site will be opened up for public use. The SWNP identifies that the town has no publicly accessible woodland and this will help to meet this shortfall. A new footpath will connect Mount Pleasant Road to Greenway via the woodland. **Significant positive weight**
- Short term benefits associated with the construction of the site in terms of



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construction jobs **Moderate positive weight**

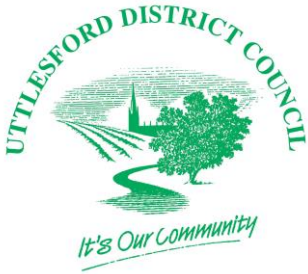
- Long term benefits of future occupiers contributing to the local economy **Moderate positive weight**
- Biodiversity improvements including the retention and enhancement of the existing boundary vegetation and the creation of 101 new trees **Moderate positive weight**
- A new community orchard for both residents and to help support wildlife **Limited positive weight**
- Sustainability improvements – proposal will achieve a 66% improvement over Part L 2021 of the Building Regulations (site-wide). **Moderate positive weight**

Neutral Factors

- While the proposal provides a positive contribution to the provision of housing within Saffron Walden including the required level of affordable housing. The proposal does not provide the identified need for a mix of tenures for both market and affordable units as per the Local Housing Needs Assessment Report (June 2024). All of the affordable units are located in a cluster, and it is not clear what units are affordable rent and shared ownership **Moderate neutral weight**
- The minimum 10% Biodiversity Net Gain cannot be delivered on site and an off-site credit is required. It is not clear how deliverable this is. **Great neutral weight**
- Propose utilities the former friends school facilities (e.g. MUGA) and it's not clear if there is a requirement for the site to have more formal play space **Significant neutral weight**
- No bungalows are provided but this could be offset by the number of 1 bed flats with lift access. **Limited neutral weight**
- The Council can currently demonstrate a 4 year housing land supply but remains in the position of presumption of sustainable development. **Significant neutral weight**
- The site is designated as providing openness in respect of the surrounding dense development as per the Conservation Area, this is slightly mitigated by providing the sports pitches to the south of the site to enable the openness of dwellings within the Avenue to be retained. **Great neutral weight**
- Small impact onto the transport network – it is not known if this is acceptable **Great neutral weight**
- Lack of the required level of visitors parking which relies of space within the car park for the sports club. **Limited neutral weight**

Adverse impacts of the proposal

- It is not clear how many and what type of existing sports pitches were part of the site, however the proposal will not provide a like for like replacement, and this is contrary to planning policy. **Significant negative weight**



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- There is no end user for the sports pitches identified and thus it is unclear what the final sports pitch layout will be. It is disappointing that the applicant has not engaged with local sports clubs given that there is an identified need for sports pitches in the sub-area **Great negative weight**
- For a scheme of this size, it is disappointing that the applicant has not undertaken a pre-submission consultation with local residents and neighbours given the impact this proposal will have. This is contrary to the guidance within the District Wide Design Guide. **Great negative weight**
- The proposal will not comply with the openness of the site in relation to the designation within the Conservation Area Appraisal **Significant negative weight**

Summary

The Council position remains that the benefits do not outweigh the negatives, and the planning application should be refused as it is contrary to local and national planning policy and guidance.

Yours Sincerely

Mr Dean Hermitage MA Mgeog MRTPI
Strategic Director of Planning
Uttlesford District Council