

Decision Notice and Statement of Reasons

Site visit made on 24 September.

By Zoe Raygen DipURP MRTPI

A person appointed by the Secretary of State

Decision date: 1 November 2024

Application Reference: S62A/2024/0057

Site address: Former Friends School Field, Mount Pleasant Road, Saffron Walden CB11 3EB

- The application is made under section 62A of the Town and Country Planning Act 1990.
 - The site is located within the administrative area of Uttlesford District Council.
 - The application dated 18 July 2024 is made by Chase New Homes and was validated on 5 August 2024.
 - The development proposed is the erection of 91no. dwellings with associated infrastructure and landscaping. Provision of playing field and associated clubhouse.
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Decision

1. Planning permission is refused for development described above for the following reasons:
 - The design, layout and appearance of the development would be harmful to the character and appearance of the area. It would therefore fail to preserve the character or appearance of the Saffron Walden Conservation Area. Consequently, it would conflict with policies GEN2 and ENV1 of the Uttlesford District Local Plan adopted 2005, Policy SW3 of the Saffron Walden Neighbourhood Plan 2021-2036 made in 2022 and parts 12 and 15 of the National Planning Policy Framework.
 - The proposal would lead to a loss of a significant area of playing field. The loss resulting from the proposed development would not be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. It would therefore conflict with paragraph 103b of the National Planning Policy Framework and Policy LC1 of the Uttlesford District Local Plan adopted 2005.
 - The proposal would not provide an appropriate mix of housing as identified in the Local Housing Needs Assessment Report (June

2024). There would therefore be conflict with Policy SW1 of the Saffron Walden Neighbourhood Plan 2021-2036 made in 2022.

- It has not been satisfactorily demonstrated that the proposal would adequately secure 10% biodiversity net gain through conditions and the legal agreement. It would therefore be contrary to Policy GEN7 of the Uttlesford District Local Plan adopted 2005.

Statement of Reasons

Procedural matters

2. The application was made under Section 62A of the Town and Country Planning Act 1990, which allows for applications to be made directly to the Planning Inspectorate where a Council has been designated by the Secretary of State. Uttlesford District Council has been designated for major applications since 8 February 2022.
3. Following screening by the Planning Inspectorate under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), it was found that the proposed development would not be of a scale or nature likely to give rise to significant adverse effects. Therefore, an Environmental Impact Assessment was not required, and I am satisfied that the requirements of the Regulations have been complied with.
4. Consultation was undertaken on 13 August 2024 which allowed for responses by 12 September 2024. Responses were received from the parties listed in Appendix 1 of this statement. A number of interested parties and local residents also submitted responses.
5. Uttlesford District Council submitted an officer report and minutes following a planning committee meeting on 18 September 2024. The consultation response summarises these documents and sets out the Council's objections/comments to the proposed development on a number of grounds.
6. Some of the consultation responses raised issues that required further information. These include responses from Essex County Council as Highways Authority and Lead Local Flood Authority as well as Place Services with regard to ecology. Having regard to the Wheatcroft and Holborn Principles, I accepted additional information dated 20 September from the applicant in response to those comments and a targeted re-consultation of the relevant consultees only was carried out. Following that re-consultation a further response was received from the applicant dated 16 October 2024 when I undertook one final consultation with the Lead Local Flood Authority.
7. Following the closure of the representation period, Article 22 of The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 requires the SoS (or appointed

person) to consider the application either by hearing or on the basis of representations in writing.

8. Taking into account Section 319A of the TCPA and the Procedural guidance for Section 62A Authorities in Special Measures published by the SoS, as the appointed person I considered that the issues raised in this case should be dealt with by means of the Written Representations procedure.
9. As the proposal is in a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
10. I carried out an unaccompanied site visit on 24 September which enabled me to view the site, the surrounding area and the nearby roads and public rights of way.
11. The applicant has submitted a legal agreement in the form of a unilateral undertaking (The UU). This secures:
 - 40% affordable housing divided as 70% affordable rent and 30% shared ownership;
 - Submission of a Biodiversity Net Gain scheme
 - Health care contribution (subject to dispute)
 - Provision and maintenance of sports pitches, Clubhouse, woodland and public open space
 - Use of local labour
 - Education contribution
 - Library contribution
 - Bus service and walking and cycling contribution.
12. I will return to this later in my decision.
13. In determining this application, the Planning Inspectorate has worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. In doing so, the Planning Inspectorate gave clear advice of the expectation and requirements for the submission of documents and information, ensured consultation responses were published in good time, gave clear deadlines for submissions and responses, and accepted additional information submitted by the applicant in response to the matters raised during consultation.
14. I have taken account of all written representations in reaching my decision.

Recent planning history

15. In 2019 a hybrid planning application for a slightly larger site for 100 dwellings, the reprovision of the swimming pool with new changing rooms, artificial grass pitches, sports pavilion, multi-use games area, local equipped area for play, local area for play associated parking and demolition of the gym building¹ was submitted. This was refused by the

¹ UTT/19/1744/OP

Council for a number of reasons relating to the impact of the proposal on the character and appearance of the area, the conservation area and locally listed buildings, the erosion of a protected open space, the loss of playing fields with inadequate mitigation, the effect on the living conditions of neighbouring residents and the lack of a positive contribution to biodiversity.

16. In 2022 planning permission was granted by the Planning Inspectorate for the development of the adjacent Friends School². This comprised the conversion of buildings and demolition of buildings to allow re-development to provide 96 dwellings, swimming pool and changing facilities, associated recreation facilities and landscaping. I saw at my site visit that this scheme is currently under construction.

Planning Policy and Guidance

17. The adopted development plan for this part of the Uttlesford District includes the Uttlesford District Local Plan adopted in 2005 (the Local Plan) as well as the Saffron Walden Neighbourhood Plan 2021-2036 made in 2022 (the NP).
18. The National Planning Policy Framework (the Framework) is an important material consideration. It was last updated in December 2023.
19. Of particular note is Chapter 8, Promoting healthy and safe communities and Paragraph 103 which states: 'Existing open space, sports and recreational buildings and land, including playing fields, should not be built upon unless:
 - a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision the benefits of which clearly outweigh the loss of the current or former use.
20. Furthermore, parts 12 and 15 of the Framework seek to achieve well-designed and beautiful places and conserve and enhance the historic environment respectively.
21. In late July 2024, the SoS began a consultation on the Framework. This closed on 24 September 2024. Common practice and caselaw is clear in that decisions should be made on the basis of policy adopted at the time of decision-making. However, emerging policy can be material. I have proceeded on that basis.

² S62A/22/0000002

Main Issues

22. Having regard to the application, the consultation responses, comments from interested parties, the Council's report and Committee resolution, together with what I saw on site, the main issues for this application are:
- *Whether the application site is an acceptable location for housing having regard to open space and playing fields;*
 - *The effect of the proposal on the character and appearance of the area having particular regard to the Saffron Walden Conservation Area;*
 - *Whether the mix of housing is appropriate;*
 - *The effect of the proposal on ecology and biodiversity;*
 - *Whether the proposal provides sufficient green open space for informal recreation;*
 - *The effect of the proposal on the living conditions of the occupiers of neighbouring properties having particular regard to noise and disturbance;*
 - *The effect of the proposal on highway safety; and*
 - *The effect of the proposal on flooding.*

Reasons

Location

23. Policy S1 of the Local Plan allows for development within the existing built-up area of Saffron Walden if compatible with the character of the settlement. In principle therefore development is acceptable at the application site subject to the consideration of other policies within the development plan.
24. Policy LC1 of the Local Plan states that development will not be permitted if it would involve the loss of sports fields or other open space for recreation, including allotments. Exceptions may be permitted if either of the following applies: a) replacement facilities will be provided that better meet local recreational needs or b) the need for the facility no longer applies. This is broadly in line with paragraph 103 of the Framework that requires that any loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
25. The pitches that form the application site were historically used in association with the former Friends School as well as some community use outside of school hours. This is supported by the representations from Saffron Walden Cricket Club, Saffron Walden Community Football Club and Walden Triathlon Club, all of whom used the pitches when the school was open. Since the school closed and the pitches were no longer available,

they have had difficulty accessing the equivalent quantity and quality of facility that they used to on the Mount Pleasant playing fields. This has led to some of the clubs being unable to expand as they would have wished.

26. I accept that the existing pitches have not been used for seven years and have not been publicly accessible during that time. In addition, the changing facilities associated with the pitches when they were used have been lost as a result of the grant of planning permission on the adjacent main school site. The Inspector at the time, in part, placed some reliance on the facilities that could be provided on this site to compensate for the loss of a small amount of playing field involved in that planning application.
27. Even though the playing fields have not been used for a lengthy period, it is clear from consultation responses that they were a valuable resource which has not been replaced. Furthermore, the explanatory text to LC1 states that the policy applies whether the facilities are still in active use or whether through ownership, for example, this is now prevented. If built development were to occur on the site, then there would be no prospect of the existing playing fields being used.
28. The proposal would result in the significant part of the playing fields being lost and not replaced on a like for like basis. This is, in principle, contrary to the development plan and the Framework. The Council's Playing Pitch and Outdoor Sports Strategy & Action Plan 2019 which was carried out in accordance with Sport England guidance reports a substantial deficit in football, cricket and rugby pitches when accounting for future demand. An updated winter assessment report has been published in 2024 which states a continued deficiency of football and rugby pitches. The pitches at the application site are not therefore surplus to requirement, indeed the 2019 strategy recommended that they be brought back into use to help meet demand.
29. The applicants assertion that the pitches are not included in the supply/demand analysis for both the 2019 and 2024 assessment reports is correct, However, that is in accordance with Sport England guidance that in common with all playing field sites in the district that are not operational or do not offer community use should not form part of the available supply for the purpose of assessing whether current supply can meet current/future demand. Therefore, it is not due to them not being considered to be playing fields or having the potential to contribute to the need for playing fields. However, notwithstanding the significant loss of the playing field, if the proposed facilities were designed to meet local needs, which would be positive support for the application which would, in my view, broadly meet the requirements of the Framework.
30. The proposal includes provision for a club house with parking together with a full-sized cricket pitch during the summer and 2 youth pitches or 1 adult football pitch in the winter. While this would improve the current offer, it would constitute a significant loss of the facilities that were previously available on the site. Furthermore, there is nothing before me to suggest that these proposals have been evolved in consultation with the local sports

community to demonstrate that the proposal would truly meet local need and provide the quality pitches required.

31. Representations have been made by the relevant sporting bodies, to suggest that the proposals would not be satisfactory for local requirements and that other solutions would be more helpful, particularly if delivered in association with other sports facilities in the area. Saffron Walden Cricket Club also comment that the pavilion is out of proportion to the facilities being proposed and, given the unsuitability of the proposal for both football and cricket, it is likely that the pavilion would not be used for its intended purpose. From the consultation responses received I can only draw the conclusion that there has been no meaningful discussion to inform the provision of the facilities on site to provide an adequate replacement in quality of facilities if not necessarily of quantity.
32. While the applicant's efforts to provide facilities are lauded, they do not adequately meet local needs in accordance with Policy LC1. On this basis, nor do they provide equivalent or better provision in terms of quantity and quality as required by paragraph 103 of the Framework. I appreciate the applicant's comments that they have not been available for seven years and the proposal improves the facility available for local clubs over and above what is there now. However, this is not least because the associated changing rooms etc. were removed as part of the development of the adjacent site. Furthermore, while the proposed facilities would be capable of being of high quality, that would be meaningless if they did not meet the requirements of both local needs and the specific local clubs. Moreover, the quantity of playing field would be significantly reduced, even though they have not been available for seven years. I note that Sport England share this view. While not a statutory consultee their comments have not led to my conclusion but reinforce my findings.
33. For the reasons above I conclude that the proposal would not be in an acceptable location having regard to playing fields and open space. It would therefore be contrary to Policy LC1 of the Local Plan and paragraph 103 of the Framework.
34. The applicant suggests that Policy LC1 of the Local Plan is out of date. While the period the Local Plan covers is until 2011, predating the Framework, this does not make all policies out of date. The requirements of Policy LC1 are broadly in accordance with the Framework and therefore I consider it to be up to date in its approach to the protection of playing fields.

Character and appearance

35. The Saffron Walden conservation area (the CA) covers a large part of the central historic core of the town, reflected in the high number of listed buildings within the CA. Hence it has good quality historic buildings which have a particularly varied roofscape but unified by the typical peg tiles roofs of earlier buildings and slate roofs of later ones. There are a number of open spaces and, in the area surrounding the application site, the interplay between the buildings and open space around them in the forms of

gardens, verges and street trees provide a spacious, green character and appearance.

36. The significance of the CA with particular regard to this application lies within the architectural form of the built environment and its relationship to open space, green features and the unifying materials.
37. The application site is located within zone 6 of the CA as defined in the Saffron Walden Conservation Area Appraisal and Management Proposals 2018 (the CAA). The area is mainly formed from nineteenth century housing but dominated by the complex forming the Friends School. The original housing reflects the character and appearance of the wider CA outlined above. There is infill housing of varying quality. To the west of the application site is The Avenue, an area of housing which positively reflects the character and appearance of the CA. The application site is a large open space forming the playing fields of the adjacent former Friends School. The CAA identifies it as a high-quality open space whose retention and upkeep that properly respects its historical and visual importance is of the greatest importance.
38. I saw though at my site visit that the site is rather enclosed, both with mature trees and high close boarded fencing. Glimpses are available into the site, and there would be more opportunity in the winter months when the trees lose their leaves. It does though provide an important buffer to the otherwise surrounding built development. Overall, therefore it contributes positively to the character and appearance of the CA.
39. The application scheme for 91 dwellings would obviously lead to the loss of much of the open space. However, some would remain as playing fields and if done appropriately to a high-quality design, it would be capable of responding positively to the character and appearance of the CA, taking its cue from the good examples of design in the surrounding area and respecting the design and layout of the earlier housing.
40. There are many creditable features of the scheme, including the retention of areas for playing field provision, the retention of the lines of trees on the northern and eastern boundaries of the site and the provision of the crescent form of development at the southern extent which provides an open spacious form reflecting the character and appearance of the area. In addition, the housing to the northern and eastern edges of the development take advantage of the existing trees together with hedge planting which would provide an open spacious landscape setting. However, the remainder of the development has planting limited to a small number of trees on the main road frontage and grass amenity areas which would present more of a hard edge.
41. Much of the success of The Avenue relates to the high number of street trees and planting areas to the frontage of the properties alongside the roads which break up the built form. In addition, very few of the buildings on the Avenue are similar shape. While united by a high-quality material palette and fenestration patterns, the articulation is varied. In contrast the application scheme appears to be a series of standard similar designs with

very little articulation or contrast. While some of the plots have timber cladding, there is little detail of the materials as a whole and how they would respect the adjacent development. Such detail could be secured by a condition. However, given the issues I have found to the form of the development and relationship to open space I consider that the materials should be an integrative part of the design especially given the location of this development within the CA.

42. Furthermore, the level of car parking seems high, particularly given the accessible location of the application site. As a result, there are a number of instances where triple tandem parking is proposed and the parking as a whole is not well landscaped or sensitively integrated into the built form. Consequently, it would dominate the development, particularly the streetscene in the centre of the layout.
43. The layout includes a gated community in the northern part of the site. Policy SW3 of the NP specifically prohibits this unless the housing is particularly to serve vulnerable residents. This is because it is considered that they are contrary to the objective of retaining a sense of town-wide community spirit and they restrict pedestrians and cyclists from using 'quiet routes. The applicant has confirmed they would be content with a condition that would secure its removal. Therefore, this aspect does not weigh against the design and layout.
44. I have been directed to no policy which specifically requires the provision of a child's play area, only guidance within the District Wide Design Code (2024) which at N1.9C states that major applications must include exciting multisensory play spaces for children and young people of all ages and integrated within the urban realm or the open space network. Nevertheless, the Framework supports the use of design codes to achieve well designed and beautiful places, it is therefore a material consideration in the determination of this application. The omission of formal play space for children in this scheme for some 91 houses would be contrary to this guidance and while not determinative in itself, weighs against the overall design of the scheme.
45. For the reasons above, I conclude that the proposal would be harmful to the character and appearance of the area and would fail to preserve or enhance the character or appearance of the CA. Consequently, it would conflict with policies GEN2 and ENV1 of the Local Plan, Policy SW3 of the NP, the District Wide Design Code and the Framework. These require that development is compatible with the scale, form, layout, appearance and materials of the surrounding area as well as the context and distinctive character. In addition, proposals should preserve or enhance the character and appearance and essential features of the CA.
46. Policy ENV3 of the Local Plan states that the loss of important open spaces through development proposals will not be permitted unless the need for the development outweighs their amenity value. In this instance, the need for housing is evidently significant given the lack of five-year housing land supply. While I have found harm to the CA caused by the design of the proposals, I am content that the need for the development outweighs the

amenity value of the open space in its role as informal open space and the contribution it makes to the character and appearance of the CA rather than its function as playing fields. This is particularly because of its enclosed nature, and that the proposal would leave significant areas of open space available, retaining the buffer function of the open space in relation to the character and appearance of the CA. There would therefore be no conflict with this policy.

Housing mix

47. The Council reports that both the market and affordable housing mix do not comply with the required mix as stated within the Local Housing Needs Assessment Report (June 2024) (the LHNAR). The appropriate mix of market homes on new developments would be 25% 1 and 2 beds, 45% 3 beds and 30% 4+ beds. The proposal would provide 74% of houses with 3 beds and 26% with 4+ beds.
48. The proposal would provide 41% affordable housing which would be above the 40% required by Policy H9 of the Local Plan. The LHNAR outlines a requirement for affordable homes in both shared ownership and affordable rent for all sizes of houses from 1 bed to 4+ bed units. The affordable housing proposed would be split as 70% affordable rent and 30% shared ownership, broadly in line with the Council's requirements in terms of tenure. There is no indication of which size property would be in which tenure. However, notwithstanding that the 1 and 2 bed units would be provided as flats, there would be an overprovision of 3 bed units both within the affordable and market homes when compared to the figures in the LHNAR.
49. Policy SW2 of the NP requires that affordable housing should be distributed through the development in appropriately sized non-contiguous clusters. The tenure mix of affordable housing should reflect the most up to date local housing need.
50. The 37 affordable homes would be clustered in one part of the development, mainly due to the provision of two apartment blocks. A letter of support has been received from the preferred Housing Association to deliver the housing supporting the provision as provided. Furthermore, the tenure mix would be in accordance with the Council's requirements. As such I find no conflict with Policy SW2.
51. However, Policy SW1 of the NP states that the housing mix should include a mix of sizes which reflects local needs and that the specific mix should be based on up-to-date local evidence and need. As there is a lack of 1 and 2 bedroom houses within the mix of market housing and an overprovision of 3 bed houses, as identified in the up to date LHNAR then there would be conflict with this policy.

Ecology and biodiversity

52. The applicants Ecological Impact Assessment 2024 (EIA) included a survey of eight of the trees highlighted for removal in the Tree Survey and Impact Assessment (2024) (TSIA). All eight were found to have negligible

suitability to support roosting bats, but the trees and woodland within the application site are considered to have local value for foraging and commuting bats. Following comments from Essex County Council Ecology Officer (ECCEO) a further survey of all other trees to be removed/pruned was submitted and found no evidence of bat roosts. I am satisfied therefore that the submitted information adequately demonstrates that protected species would not be harmed by the development subject to the imposition of conditions on any permission.

53. Were this planning application to be granted it would be subject to the statutory general biodiversity net gain condition. The determination of the BGP under this condition is the mechanism to confirm whether the development meets the biodiversity net gain objective. Therefore, consideration for this application relates to whether the general condition is capable of being discharged through the imposition of further conditions and the agreement of a S106 to secure registered off-site biodiversity gains.
54. The proposed scheme would need to secure at least 10% biodiversity net gain. The submitted EIA and Biodiversity Metric outlines a total loss of 21.82% in habitat units and a 32.49% net gain in hedgerow units. To mitigate the loss the applicant intends the purchase of 10.45 off-site biodiversity units. While on site provision would be the preference there is nothing to suggest off-site provision would be inappropriate in this instance.
55. Following a further exchange of information the ECCEO is now content with the biodiversity metric, subject to clarification at the discharge stage of the conditions classification, and I see no reason to disagree. However, it is important that the legal agreement appropriately secures the bio-diversity scheme and secures the provision of the 10.45 off-site units for the length of the net-gain agreement. However, the submitted UU only requires that the owner shall include within the Biodiversity Net Gain Scheme evidence that a contract for their purchase has been entered into. While this may have been accepted on other developments I am guided by the evidence before me.
56. For the reasons above, and taking a precautionary approach, therefore I conclude that it has not been satisfactorily demonstrated that the proposal would adequately secure 10% biodiversity net gain through conditions and the legal agreement. It would therefore be contrary to Policy GEN7 of the Local Plan which does not permit development that would have a harmful effect on wildlife features and measures to mitigate should be secured by condition or planning obligation.

Green open space

57. Policy SW17 of the NP concerns the provision of open space for informal recreation. The explanation to the policy states that the green open space should be sufficient to allow several people to use at once for such activities as flying a kite and throwing a ball for a dog. This is not therefore the formal provision of sports pitches as suggested by the applicant both on the

application site and the adjacent site under development, but areas of informal green space. The NP describes the under provision of such space and the difficulties of small areas being provided which are not of significant use for residents. It states that each new development must provide 75.1m² per person of green open space for informal recreation albeit this is in the explanatory text and not the policy.

58. While not explicitly providing open space, the proposal encompasses the adjacent protected woodland and formalizes a pathway through that opening it up for recreation purposes creating a linkway between residential areas. I am satisfied that the proposal does therefore provide sufficient informal green space to meet the requirements of Policy SW17 of the NP.

Living conditions

59. The concerns raised by parties primarily relate to noise and nuisance arising from the provision of the sports pitches at the south of the site. Here application properties to the west are sited close to the site boundary with an outlook over the open space.
60. The application site was previously used for playing fields; therefore, this is not a new or unexpected use of the site along with the noise associated with playing fields. While the use was previously mainly in association with the school, local communities had access to, and made significant use of the pitches in non-school hours. I am satisfied therefore that there would not be a material increase in the use of the pitches through the proposal. Issues such as lighting and ball catching nets can be controlled through the imposition of appropriately worded conditions.
61. For the reasons above, I conclude that the proposal would not be harmful to the living conditions of the occupiers of surrounding residential properties. It would therefore accord with Policy GEN3 of the Local Plan, policy SW3 of the NP and the Framework which require that development minimizes the environmental impact on neighbouring properties and to ensure that there is a high standard of amenity for existing and future users.

Highway Safety

62. There would be one access to the development from Mount Pleasant Road. The Highway Authority (HA) has reviewed the initial and additional information submitted by the applicant and concluded that the impact of the development on the highway network would not be significant and would be adequately mitigated. There is no substantive evidence before me to lead me to an alternative view.
63. While I am aware that there are existing capacity issues in the town, this site is located within convenient walking distance of the town centre and its many services and facilities including bus services and links to the train services. This is an accessible location and therefore housing would be appropriate in this respect. The UU secures the provision of a contribution towards the bus service and a walking and cycling contribution towards the enhancement of bus services in Saffron Walden directly benefitting the site

and local cycling and pedestrian facilities. These will further enhance the accessibility of the development.

64. The HA has also requested the provision of a Travel Plan with an annual monitoring fee and travel packs. While the travel plan and travel packs could be the subject of a condition, the annual monitoring fee would need to be secured by a legal agreement. This is not included in the UU. However, given the relative accessibility of the application site, I do not consider that it would be necessary to make the development acceptable.
65. The HA has some concerns about the distribution of visitor parking across the site which it considers should be separate to the parking provision for the clubhouse and sports field. However, this can be rectified through the imposition of an appropriately worded condition.
66. For the reasons above I conclude that the proposal would not be harmful to highway safety. There would therefore be no conflict with Policy GEN1 of the Local Plan. This requires that design of the site must not compromise road safety and must take account of cyclists and pedestrians and access to the main road network must be capable of carrying the traffic generated by the development safely.

Flooding

67. The Lead Local Flood Authority (the LLFA) raised initial concerns regarding the scheme which led it to issue a holding objection. However, following the receipt of further explanatory information by the application the LLFA is now content that the scheme can achieve an acceptable surface water drainage scheme and has withdrawn its objection subject to the imposition of a number of conditions.
68. There is no substantive evidence before me which would lead me to a different conclusion. Therefore, I conclude that the proposal would not have a harmful effect on flooding, nor would it cause flooding elsewhere. There would therefore be no conflict with the requirements of the Framework in this respect.

Legal Agreement

69. The Council and the Highway Authority have not agreed the contents of the UU raising concerns about the wording, the trigger points and that it does not include provision for the submission of a travel plan and travel information pack.
70. As I am refusing planning permission for other reasons, I have not examined the dispute between the Council and the applicant any further, However, for the purposes of this application I consider that the heads of terms and the requirements for contributions meet the tests set out in paragraph 57 of the Framework.
71. This includes the proposed healthcare contribution. The evidence set out by the Hertfordshire and West Essex Integrated Care Board clearly sets out that two surgeries within Saffron Walden do not have the capacity to cater

for the increased capacity of potential patients that would be generated by this proposal. The proposed calculation uses formula based on standards from the NHS England publication Premises Principles of Best Practice Part 1 Procurement & Development to calculate the amount of additional floorspace required. Using the number of dwellings proposed and relevant build costs this then gives a total proportionate contribution figure requested along with indexation. In this instance, this is an appropriate way to work out such a contribution towards specific projects in Saffron Walden.

72. Case law submitted by the applicant³ relates to revenue funding of acute healthcare, which is different to the request before me now, which seeks capital funding for GP surgeries. I acknowledge that it is not a given that every new household would constitute a first-time registration for GP surgeries in Saffron Walden. Nevertheless, it has been demonstrated that there is already a necessity for larger premises and therefore any increase would require some form of contribution. I therefore consider the request meets the requirements of the Framework.

Other Matter

73. The nearest listed buildings are the Water Tower and 9 Mount Pleasant Road both Grade II. In addition the main building to the former friends school is locally listed and, in my view, a non-designated heritage asset (NDA). The two listed buildings are a considerable distance from the application site, with no known functional link to the application site, and their significance would not be harmed by the proposal.
74. The significance of the former friends school building is largely derived from its architectural quality and its historical contribution to education within the town. The application site forms part of its setting as former playing fields belonging to the school both allowing a visual appreciation of the architecture but as playing fields reinforcing and contributing to the educational interest of the building. The retention of the playing field would allow that direct link to be maintained. Furthermore, the housing would not harmfully compete with NDA and would allow views to be maintained of it.
75. There would therefore be no harm caused to these heritage assets.

Planning and Heritage Balance and Conclusion

76. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is such a material consideration.
77. I have found that the proposal would lead to an unacceptable loss of playing field without there being adequate delivery of replacement facilities. In addition, the proposal would be harmful to the significance of the CA

³ *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).*

failing to preserve its character and appearance. Furthermore, the proposal would not adequately deal with biodiversity. Moreover, it would fail to deliver a mix of housing that would meet local need. As a result, it would be contrary to the development plan as a whole.

78. The applicant considers that the most important policies for the determination of this application are S1, LC1, ENV3, H1, H9 and H10. The applicant considers these to be out of date largely due to the Local Plan being time expired and the fact the Council is unable to demonstrate a five-year housing land supply. However, while this may mean that conflict with policies that direct the provision of housing would receive less weight such as Policy H1, I cannot agree that the policies listed above that deal with sports fields and recreational facilities (LC1), open spaces and trees (ENV3), affordable housing (H9) and housing mix (H10) are not in broad accordance with the Framework's requirement for each subject. I therefore give any conflict with them full weight.
79. The proposal would provide 91 houses at a time when the Council is unable to demonstrate a five-year housing supply. I saw that the site, is well located in an accessible location where housing would, in principle, be accepted subject to consideration of other policies in the development plan. This attracts significant weight.
80. Of those 91 units, the scheme would deliver 37 units of affordable accommodation in line with policy within the development plan at a time when there is considerable demand. The UU would effectively secure these. Therefore, I give this provision significant weight.
81. The proposal would deliver economic benefits in the form of jobs and the purchase of materials during construction as well as the contribution of future residents to the local economy to which I also give significant weight.
82. The proposal would provide a new clubhouse and sporting pitches to which I give moderate weight. There would also be public access to protected open space and a new public link from Greenways to Mount Pleasant Road which would aid accessibility for local residents to which I give moderate weight.
83. While the public benefits are significant, they would not outweigh the great weight I give to the harm to the designated heritage asset. This being the case, in accordance with paragraph 11di of the Framework I have not gone on to apply the balance in paragraph 11dii as the harm caused to the heritage asset provides a clear reason for refusing the development.

Conclusion

84. For these reasons, and having regard to all other matters, the proposal conflicts with the development plan as a whole. There are no material considerations, including the Framework, which indicate that the plan should not be followed.
85. As such the application should be refused.

Zoe Raygen

Inspector and Appointed Person

Informatives:

- i. In determining this application, the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so the Planning Inspectorate sought further information in response to comments made by the Local Planning Authority.
- ii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 ("the Act") is final. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made within 6 weeks of the date of the decision
- iii. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court>

APPENDIX 1 Consultee responses

- Active Travel England
- Affinity Water Ltd
- ECC Development and Flood Risk Officer
- ECC Infrastructure Planning Officer
- ECC Mineral Planning Authority
- Environmental Health Officer
- ECC Highway Authority
- Essex Police Crime Prevention Technical Advisor
- Essex Police
- Hertfordshire and West Essex Integrated Care Board
- Historic England
- Historic Environment Advisor
- Housing Strategy, Enabling & Development Officer
- Health and Safety Executive
- MAG Highways and Safeguarding
- National Highways
- Natural England
- Place Services – Ecology
- Saffron Walden Town Council
- Sport England
- Health and Safety Executive
- Lead Local Flood Authority
- Uttlesford District Council
- UDC Principal Conservation Officer

In addition, 33 responses were received from local residents as well as responses from Saffron Walden Community FC, Saffron Walden Cricket

Club and Walden Triathlon Club all either outlining concerns or explicitly objecting to the proposed development.
One response was received from B3Living supporting the proposal.

APPENDIX 2

Additional/revised documents following consultation process:

- Response from applicant dated 24 September 2024
- Unilateral Undertaking dated 4 October 2024
- Response from applicant dated 16 October 2024