



## Saffron Walden Town Council response to Planning Application UTT/19/1744/OP

Hybrid application consisting of full details for development of 30 dwellings utilising existing access, re-provision of swimming pool with new changing rooms, artificial grass pitches, sports pavilion, multi-use games area (MUGA), local equipped area for play (LEAP), local area for play (LAP), associated parking and demolition of gym building. The remainder is in outline for up to 70 dwellings with associated infrastructure, public open space, forest school and perimeter path. | Former Friends School Mount Pleasant Road Saffron Walden CB11 3EB

28 August 2019

Dear Mrs Shoesmith

Saffron Walden Town Council objects, in the strongest possible terms, to the planning application UTT/19/1744/OP.

First and foremost, SWTC objects to the principle of any development on the site as follows:

OBJECTIONS TO THE PRINCIPLE OF DEVELOPMENT ON THE SITE		
1.	Loss of sports fields and hall.	<p>All of the land within this development proposal is currently classed for planning purposes either as outdoor playing fields or a sports hall.</p> <p>National and Local policies prohibit building on playing fields, whether or not they are currently open to the public: <b>NPPF Paragraph 97</b> <b>2005 Local Plan Policy LC1</b> <b>Emerging Local Plan Policy INF2</b> The only exception to these policies applies if the playing fields are no longer required.</p> <p>The UDC 2012 Open Spaces Report and the 2019 Uttlesford Sports Strategy, and the supporting text in the Local Plan all confirm that there is a deficit of sports facilities in Saffron Walden. Therefore, the sports fields are required and there can be no exception to these policies for this application. We object to the application on these grounds.</p>



2.	Loss of character of Conservation Area	<p>2005 Local Plan Policy ENV1 only permits development which <i>“preserves or enhances the character and appearance of the essential features of a Conservation Area”</i>.</p> <p>As noted in the 2018 Conservation Area Appraisal, the open spaces, comprising the sports fields and other open spaces, are characteristic features of the Zone 6 Conservation Area, and they should therefore be preserved.</p> <p>An aerial map of the town, as is shown in Figure 1.2 on Page 5 of the Design and Access Statement, clearly shows that apart from the Common, the site is the only other substantial open and “green lungs” location in the town of Saffron Walden, and therefore that its loss would be of great consequence to the environment and air quality of the town.</p> <p>Development on the open space will neither preserve nor enhance the features of and character of the Conservation Area and we object on these grounds.</p>
3.	Insufficient capacity on the road network for additional vehicles	<p>The access to the site lies within the Air Quality Management Area. The additional traffic created by residential use would potentially push the quality of air within the AQMA over illegal limits.</p> <p>Furthermore, the adjacent junctions are noted as being at or close to capacity with committed development and development proposed by the Local Plan. This site has not been factored into these studies, and would push the junctions further beyond capacity.</p> <p>Retention of the site for education and sports use would keep the traffic and associated junction capacity and air quality levels the same or very close to that which has already been measured and factored into calculations.</p> <p>We object on grounds that the capacity of the road network is insufficient to support the application.</p>
4.	The applicant cannot demonstrate that the only possible use	<p>As has already been noted in (2.), the school grounds have been included in the conservation area for their open space nature. Building houses over the open space would lead to total loss of this designated heritage asset.</p> <p>The NPPF provides clear guidance for planning authorities on how to treat applications which lead to loss of heritage assets:</p>



of the site is residential	<p><i>195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:</i></p> <ul style="list-style-type: none"> <li><i>a) the nature of the heritage asset prevents all reasonable uses of the site; and</i></li> <li><i>b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and</i></li> <li><i>c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and</i></li> <li><i>d) the harm or loss is outweighed by the benefit of bringing the site back into use.</i></li> </ul> <p>It is our understanding that an education provider was and still is interested in purchasing the site to use for education. Therefore, none of the above exceptions a-d apply. The application would very clearly cause serious harm – and indeed destroy much of the open space which is clearly the subject of protection by being included in the Conservation Area, and the application is therefore very clearly contrary to these provisions.</p>
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Second, even if the land was not classed as playing fields or of Conservation Area character, SWTC objects to the detail of planning application on the following grounds:

<b>OBJECTIONS TO THE DETAILS OF THE APPLICATION</b>		
	<b>Application Detail</b>	<b>Town Council Objection</b>
5.	Layout of affordable housing	<p>The affordable housing is grouped all in one place, contrary to emerging Local Plan Policy H6 which says <i>Affordable housing units will be clustered through the development in appropriately sized, non-contiguous clusters.</i></p> <p>If the application continues, the affordable housing must be re-distributed throughout the site and be visually indistinguishable from the open market housing.</p>

<p>6.</p>	<p>Inefficient Use of land</p>	<p>The development proposes 100 dwellings on 7.16ha = gross density of 14 dwellings per hectare (dph)</p> <p>The 2005 Local Plan is silent on the numbers of dph which a development must provide. However, the policy H3f <i>Avoid development which makes inefficient use of land</i> provides the framework for considering an ideal dph.</p> <p>This is mirrored by the NPPF paragraph 123 which goes further on this matter: <i>Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:</i></p> <p><i>a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;</i></p> <p><i>b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and</i></p> <p><i>c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).</i></p> <p>Following the instructions given in NPPF 123b, the emerging UDC local plan in Policy H1 Housing Density sets a standard (net) density of 35-60 dph within the town's development limits.</p> <p>For context, newer developments at the edge of the town (e.g. Persimmon Homes and Kier) have a dph of around 34. This is a town centre site and should be expected to have a density towards the higher end of the scale.</p>
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		<p>This noted however, the experience of the Crabtrees development in Saffron Walden, which has a density of around 60, demonstrates that 60 is too high. At Crabtrees there is considerable congestion on the roads due to vastly insufficient off-road parking provision. Therefore, the SW Neighbourhood Plan has a policy of a maximum net density of 50dph within the town.</p> <p>A gross density of 14dph is a very inefficient use of space in the town centre and fails the criteria set by the policies as outlined above, and this is grounds for objection.</p>
7.	Inaccurate Transport Assessment	<p>Transport Assessment Page 28 paragraph 5.18 Appendix J says <i>"the results might be affected by the number of pupils who boarded on the site but there was no information on this for Walden."</i></p> <p>The information on the number of boarders is readily accessible. According to the former Head of Boarding, there were 50 boarders.</p> <p>Therefore, the original site generated around 13% fewer trips than the Transport Assessment used as basis for calculation which makes the TA unusable for this application.</p> <p>While not being grounds for objection in itself, it is not possible to consider a planning application on this scale without a credible TA, and therefore there is insufficient information upon which to judge the merits of this application.</p>
8.	Outline Planning Applications not allowed in Conservation Areas	<p>The 2005 Local Plan policy ENV1 specifically provides that Outline Applications for development within Conservation Areas will not be considered. This is an outline application for development within a Conservation Area, and it should not therefore even be considered. Section 16 <i>Conserving and enhancing the historic environment</i> of the NPPF provides further guidance on the government's intent in relation to Conservation Areas.</p> <p><i>184 Heritage assets range from sites and buildings of local historic value [...]. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.</i></p>

		<p><i>185 Plans should set out a positive strategy for the conservation and enjoyment of the historic environment.</i></p> <p>The emerging Local Plan follows the instruction of the NPPF and includes Policy EN2 Design of Development in Conservation Areas which says <i>Outline applications will not be considered</i></p> <p>The NPPF also provides guidance on decision making in the case of proposals affecting heritage assets.</p> <p><i>192 In determining applications, local planning authorities should take account of:</i>  <i>c) the desirability of new development making a positive contribution to local character and distinctiveness.</i></p> <p>In this case, the outline nature of the planning application means that the planning authority is unable to take account of the desirability of the development and whether or not it makes a positive contribution to local character and distinctiveness.</p> <p>The part-outline nature of the application fails the intention of national policy, national planning policy guidance for planning authorities and the emerging Local Plan EN2 and this is grounds for refusal.</p>
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Should the application proceed despite the objections noted above, SWTC requests that the following mitigation measures are sought from the applicant in order to make the development acceptable in planning terms:

1.	<p><b>Replacement land for sports provision which meets NPPF criteria of replacement of quantity, quality, and in a suitable location.</b> For clarity:</p> <ul style="list-style-type: none"> <li>• Quantity is a minimum of 7.16ha which is the same size as the application site;</li> <li>• Quality to be such that the surface is equally flat as and in an equivalent condition to that of the application site at the time that the school was closed; and</li> <li>• Suitable location to be defined as one that is equally as accessible as the application site on foot or by bicycle.</li> </ul> <p>Paragraph 92 of the NPPF says:  <i>To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:</i></p>
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	<p><i>a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; and</i></p> <p><i>e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.</i></p> <p>Following the spirit and intention of the Framework, and in order to ensure the best outcome for existing residents of the town who have lost sporting facilities, and also for any future residents of the site, <u>the applicant must work collaboratively with the town and district councils</u> to ensure that the replacement provision is designed and planned in such a way as to ensure that future sports provision is at least equivalent or preferably better than current provision.</p>
2.	<b>Contributions towards sports and community provision for the future residents of the site.</b>
3.	<p><b>Highways contributions towards sustainable transport measures.</b></p> <p>The site is in a central location within the town, and any application for housing would make much of the sustainable transport modes available to the future residents. Highways contributions towards measures which encourage sustainable transport (walking and cycling) within the town would meet the NPPF tests as being</p> <ul style="list-style-type: none"> <li>• Necessary to make the development acceptable in planning terms;</li> <li>• Directly related to the development; and</li> <li>• Fairly and reasonably related in scale and kind to the development.</li> </ul>
4.	<p><b>Transfer of the Public Open Space to SWTC and Contributions of the cost equivalent of 20 years of maintenance of the Public Open Space.</b> The public open space is designated in the 2005 Local Plan as “<i>protected open space for environmental purposes</i>” and is protected by Policy ENV3.</p>
5.	<p><b>40% Affordable Housing</b> The preferred delivery model would be a community land trust.</p>
6.	<b>Contributions towards education as may be requested by Essex County Council.</b>
7.	<b>Contributions towards healthcare provision as may be requested by Essex County Council.</b>





Finally, we note that some of the information presented in the application is either misleading or unclear to the reader.

We reject the assertion that the applicant engaged constructively with the community and certainly reject the implication, in paragraph 3.6 of the planning statement, that the Town Council welcomed the application. The Council courteously thanked the developer for visiting and presenting the initial scheme but it is not true that it was the first developer to approach the Town Council to make such a presentation. The Town Council has consistently made clear that it is opposed to the proposed development and the loss of sports facilities and open spaces. Meanwhile, the community consultation, in the form of a survey, was written with loaded questions designed to produce a specific set of answers and therefore we consider that it should be completely disregarded by the deciding authority.

The application provides no information on a proposed community use and access agreement for the sports facilities. The little information provided is scant and vague. For example, the Planning Statement page 20 paragraph 5.35 on the subject of the swimming pool says *"This would be made available to the general public to use all day as opposed to evenings and weekends"* It is unclear from this statement whether the swimming pool will be available to the general public during the day, evening and weekends, or solely during the day. Should the application continue in its current form, we request full information on the community use agreement, before the application goes to planning committee, so that we may make an informed response.

## **Conclusion**

We hope that you will refuse this planning application on the grounds of our objections numbered 1-4 which deal with objections to the principle of development on this site.

Should you consider that these objections can be overcome, then we request that you note our objections numbered 5-8 which deal with specific details of the application, and our requested mitigation measures numbered 1-7.

Yours sincerely

Chloë Fiddy

Planning and Development Officer

Saffron Walden Town Council