



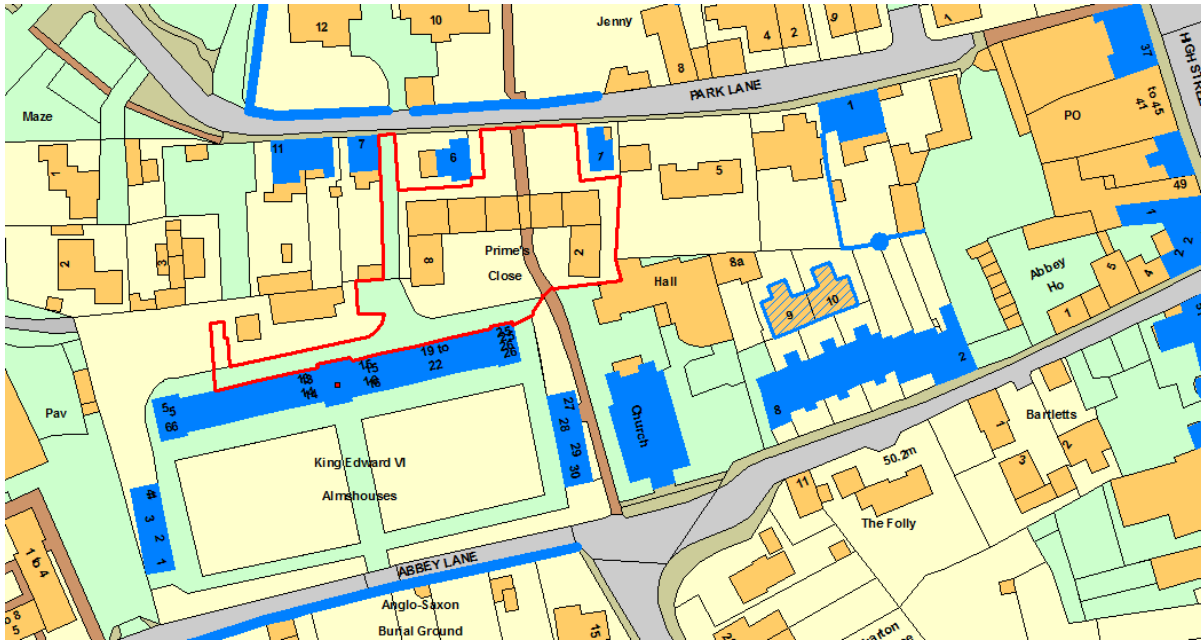
ITEM NUMBER: 8

PLANNING COMMITTEE DATE: 25 October 2023

REFERENCE NUMBER: UTT/23/0976/FUL

LOCATION: King Edward VI Almshouses
Abbey Lane
Saffron Walden

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 11 September 2023

PROPOSAL: Demolition of existing building containing 7 no. 2-bed almshouse units. Construction of new two-storey building, containing 16 no. almshouse units in a mixture of 1 and 2 bed flats. Associated bin store, car and cycle parking, and landscaping. Replacement of part of the River Slade culvert.

APPLICANT: KEVI Corporate Trustee Limited (Mr S Hasler)

AGENT: BB&C Architects Limited (Mr R McKinley)

EXPIRY DATE: 02 August 2023

EOT EXPIRY DATE: 30 October 2023

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Within Development Limits.
Prime's Close (Non-designated Heritage Asset).
Within Conservation Area (Saffron Walden 1).
Setting of Listed Building (1 and 9 Primes Close – Grade II).
Setting of Listed Building (King Edward VI Almshouses Central Block and Chapel – Grade II).
Setting of Listed Building (King Edward VI Almshouses East Block – Grade II).
Setting of Listed Building (King Edward VI Almshouses West Block – Grade II).
Setting of Listed Building (7 Park Lane – Grade II).
Setting of Listed Building (9 and 11 Park Lane – Grade II).
Setting of Listed Building (Garden Wall of Walden Place – Grade II).
Setting of Listed Building (United Reformed Church – Grade II).
Within Archaeological Site (No. 0408).
Within Flood Zone 2.
Within Flood Zone 3.
Public Right of Way (Footpath).

REASON THIS APPLICATION IS ON THE AGENDA: Major application.

1. **EXECUTIVE SUMMARY**

- 1.1** This a full application for the demolition of an existing building containing 7 no. 2-bed almshouse units. Construction of new two-storey building, containing 16 no. almshouse units in a mixture of 1 and 2 bed flats. Associated bin store, car and cycle parking, and landscaping. Replacement of part of the River Slade culvert. The application proposes 100% affordable units.
- 1.2** The development site is located within development limits where the principle of the residential use of the site is established. As the proposals cannot be tested against a fully up-to-date Development Plan, paragraph 11(d) of the National Planning Policy Framework (NPPF) is engaged. The heritage balance of the proposed development tilts against the scheme, as the proposed development would fail to preserve or enhance the character or appearance of the Saffron Walden 1 Conservation Area and would fail to preserve the setting, special interest and significance of several listed buildings, causing ‘less than substantial harm’. In addition, the proposed demolition of the existing building would harm the significance of the Conservation Area and result in the total loss of the significance of this non-designated heritage asset. The application of paragraphs 202 and 207 of the National Planning Policy Framework (2023) that protect designated heritage assets of particular importance provides a clear reason for refusing the proposed development, as per paragraph 11(d)(i) of the Framework. The principle of the proposed development and the principle of demolition of the existing non-designated heritage asset are not acceptable.
- 1.3** Insufficient information has been submitted with the application to demonstrate that the proposed development would not increase flood risk on the application site or elsewhere or that the operation of the proposed sustainable drainage systems would be effective. In addition, the proposed development would harm the living conditions of existing neighbouring occupiers and would provide sub-standard living conditions for its future occupants, to the detriment of their residential amenity. No appropriate mechanism to secure the necessary planning obligations has been provided. All other planning considerations have been tested and found to accord with national, local and neighbourhood plan policies.
- 1.4** The ‘Planning Balance’ has also been undertaken of the proposal against all relevant considerations. It has been concluded that the benefits of the development would not significantly and demonstrably outweigh the identified adverse effects, and thereby the application should be refused.

2. RECOMMENDATION

REFUSE for the reasons set out in section 17.

3. SITE LOCATION AND DESCRIPTION:

3.1 The application site comprises a single storey building, containing 7 no. 2-bed almshouse units, located within development limits in Saffron Walden. The application building to be demolished is a non-designated heritage asset constructed in the early 1950s by A.E. Wiseman, who was a prolific Essex Architect known for a number of commissions undertaken for the Diocese of Chelmsford. The building is constructed of brickworks under a tiled roof. The site is within the Saffron Walden 1 Conservation Area with several Grade II listed buildings in the vicinity, including (nos. 1 and 9) Primes Close, King Edward VI Almshouses Central Block and Chapel, East Block and West Block, 7 Park Lane, nos. 9 and 11 Park Lane, the Garden Wall of Walden Place and the United Reformed Church. The site lies between Park Lane to the north and Abbey Lane to the south with residential and other uses in the vicinity. A public footpath runs north-south within the site, passing through the existing building and the courtyard to the north. Ground levels slope down northwards. The site is in close proximity to the town centre and underground contains part of the River Slade culvert. The overall area contains an urban character and appearance with dwellings and other properties of varying architectural styles, sizes, ages and materials, including a plethora of heritage assets.

4. PROPOSAL

4.1 This a full application for the demolition of an existing building containing 7 no. 2-bed almshouse units. Construction of new two-storey building, containing 16 no. almshouse units in a mixture of 1 and 2 bed flats. Associated bin store, car and cycle parking, and landscaping. Replacement of part of the River Slade culvert. The application proposes 100% affordable units.

4.2 The application includes the following documents:

- Application form
- Biodiversity checklist
- Acoustic report
- Bat survey report
- Brownfield run off
- Design and access statement
- Design and access statement Part 2
- Desk based archaeological study
- Energy statement
- Flood risk and drainage assessment
- Flood risk and drainage assessment – Appendices
- Greenfield run off
- Heritage statement
- Housing need assessment
- Planning statement
- Preliminary ecological appraisal
- Public benefit
- Schedule
- Sequential and exception tests

- Structural survey
- SUDS checklist
- SUDS supporting information
- Summary of public benefit
- Surveyor letter
- Response to heritage comments
- Response to heritage comments 2
- Cover letter
- Flood risk assessment / Drainage assessment
- Response to Environment Agency comments
- Revised technical note
- Updated LLFA technical assessment proforma.

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. RELEVANT SITE HISTORY

6.1

Reference	Proposal	Decision
UTT/22/1153/PA	Development of Primes Close to increase social housing provision.	Closed (18.01.2023)
UTT/18/3407/FUL	Demolition of one single storey building consisting of seven residential units '2-8 Primes Close' Construction of three new buildings consisting of 15 new residential units in total. Associated landscaping surrounding the new buildings, including: Improved public footpath through site, four additional parking spaces including two accessible parking spaces; cycle parking for eighteen bicycles.	Withdrawn (22.05.2019)
SWB/0005/48	New Almshouses and demolition of existing Almshouses.	Unconditional approval (10.09.1948)

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Following the withdrawal of the previous application (UTT/18/3407/FUL), pre-application advice was sought (UTT/22/1153/PA) from the local

planning authority, including specialist advice from Conservation. Although the pre-app scheme was not identical to the current application, the then case officer was clear that *“the proposal to replace the bungalows at Primes Close raises issues of how the bulk and massing of two storey at close proximity to two buildings comprised two flatted dwellings with windows at close proximity to the development proposed”* and that *“we would not support an application for development of this site to replace the bungalows with flats. [...] further work would need to be done by accredited professionals to show that the bungalows are beyond repair”*.

7.2 The Conservation officer, in the pre-app (UTT/22/1153/PA), raised concerns over the demolition of a building which is a non-designated heritage asset and makes a positive contribution to the Saffron Walden 1 Conservation Area, contrary to paragraphs 202, 203 and 207 of the NPPF. Conservation emphasised the requirement to the applicant to evidence that the existing building is beyond all viable means of repair and upgrading. Conservation also highlighted the problematic scale and massing of the proposed building, which would be higher at the ridge than the Primes Close cottages. This would harm the setting and significance of the nearby listed buildings and character or appearance of the Saffron Walden 1 Conservation Area.

7.3 The Localism Act 2011 requires pre-application consultation on certain types of planning applications in England. Prior to the current application, community engagement events with some of the relevant stakeholders were held:

- Almshouses residents: Drop-in sessions for the residents since 2021 and two information sessions in October 2022. The main concerns raised were about potential disruption during construction and funding mechanisms.
- Neighbours and locals: Drop-in information sessions over one weekend in October 2022 with a turnaround of 40-50 people, followed up by separate discussions with them in December 2022 and January 2023. The proposals were well received with very few negative comments, mostly about access for construction traffic, privacy issues and the potential loss of light. Most individuals who have been informed of the project, expressed a high level of support for the re-development including acknowledgment that an increase in the community at the Almshouses will be beneficial to the residents and positive for neighbours.
- Town Council: Presentation at their meeting on 05 December 2022. The proposals have been received positively and public benefits (such as the reduced flood risk due to the replacement of the culvert) acknowledged.
- UDC Housing executives: The Housing Portfolio and other executives have expressed their support.
- Lord Lieutenant of Essex: Visited in February 2022 and expressed support.
- Local Member of Parliament: Visited in October 2022 and expressed support.

- Almshouses Association: Visited in November 2022 and expressed support.

7.4 Full details of the applicant's engagement and consultation exercises conducted is discussed within the submitted Design and Access Statement (paragraph 4.7.7).

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **Highway Authority**

8.1.1 No objections subject to conditions (see full response in Appendix 1).

8.2 **Lead Local Flood Authority**

8.2.1 Holding objection as it has not been demonstrated that the proposed development would not increase flood risk on the site or elsewhere nor that the operation of the proposed SUDS would be effective. Essex County Council reported flaws in the updated Flood Risk Assessment, as well as the lack of appropriate information regarding the locations and details of the proposed SUDS features and the hydraulic modelling details that should include appropriately entered climate change mitigation values (see full response in Appendix 2).

8.3 **Environment Agency**

8.3.1 No objections subject to conditions (see full response in Appendix 3).

8.4 **Canal & River Trust**

8.4.1 No comments (see full response in Appendix 4).

9. **TOWN COUNCIL COMMENTS**

9.1 The Town Council raised concerns regarding the construction access at the site because the turning space is limited and close to the wall. It is also a pedestrian access route.

10. **CONSULTEE RESPONSES**

10.1 **UDC Housing Enabling Officer**

10.1.1 No objections as it would provide new affordable housing for those in housing need within Saffron Walden.

10.2 **UDC Environmental Health**

10.2.1 No objections subject to conditions.

10.3 **Place Services (Conservation and Heritage)**

10.3.1 Objections due to heritage harm to designated and non-designated heritage assets, including the building to be demolished the Saffron Walden 1 Conservation Area and several listed buildings in the vicinity of the application site.

10.4 Place Services (Ecology)

10.4.1 No objections subject to conditions.

10.5 Place Services (Archaeology)

10.5.1 No objections subject to conditions.

10.6 Crime Prevention Officer

10.6.1 Concerns over the proposed lighting features (i.e. bollards and wall mounted lamps) as these can increase the fear of crime, as well as on the security grounds and visitor control given that the proposed ground floor terraces open into publicly accessible space.

10.7 Stansted Airport Safeguarding Authority

10.7.1 No objections unconditionally.

10.8 Anglian Water

10.8.1 No objections subject to conditions.

11. REPRESENTATIONS

11.1 A site notice was displayed on site and notification letters were sent to nearby properties. The application has also been the subject of a press notice in the local newspaper and representations have been received.

11.2 Support

- 11.2.1**
- Visionary project.
 - Almshouses play vital role in community.
 - Homes for those in need.
 - Affordable housing.
 - Charity mission part of heritage as much as the building.
 - Bungalows increasingly uninhabitable.
 - Improvement to Conservation Area.
 - Well thought plans.
 - Environment Agency reported culvert in need of repair.
 - Reduced flood risk to the town.
 - Studies show health benefits from living in Almshouses.
 - Increased security and community enhancement.

- Evolving needs.
- Existing bungalows modern.
- Unsuccessful attempts to resolve problems of buildings.
- Sustainable accommodation (renewables, low carbon, solar panels, insulation, etc.).
- Advertised vacancies receive great interest.
- Increasing need for such homes.
- Climate crisis.
- Minimised energy costs for occupants.
- Design against anti-social behaviour.
- Stable, sociable and satisfying homes.
- Enable charity to repair and replace the culvert.
- Construction should not obstruct access to developments in Park Lane.
- Potential damage to the gates of Edward Bawden Court.
- Negative impact of general layout on quality of life of residents.
- Increased noise and air pollution by additional parking.
- Soundproofing of existing flats necessary.
- Some units are vacant.
- Heritage harm concluded by Conservation incorrect.
- No views from Park Lane of rear elevation.
- Design not in keeping with surroundings.
- Extended tunnel will extend anti-social behaviour.
- Asymmetrical façade.
- Over-powering tower.
- Long distance from lift / no lighting.

11.3 Object

- 11.3.1**
- Loss of privacy and overlooking.
 - Frosted glass and fixed windows needed.
 - Supporters don't live close to development.
 - Inappropriate design.
 - French doors and balconies incongruous.
 - Too much for the area.
 - Detracts from surroundings.
 - Out of character.
 - Harm to listed buildings.
 - Overbearing impacts.
 - Utilitarian design to cram more people into a busy plot.
 - Replacement building could be single storey.

11.4 Comment

- 11.4.1** All material planning considerations raised by third parties have been taken into account when considering this application. Land ownership issues and issues around the deliverability of a planning permission are not planning issues, but legal.

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application:
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

12.3 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, and to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

12.4 The Development Plan

12.4.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made February 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Local Plan 2005

13.2.1

S1	Development limits for the Main Urban Areas
GEN1	Access
GEN2	Design
GEN3	Flood Protection
GEN4	Good Neighbourliness
GEN5	Light Pollution
GEN6	Infrastructure Provision
GEN7	Nature Conservation
GEN8	Vehicle Parking Standards
H4	Backland development
H9	Affordable Housing
H10	Housing Mix
ENV1	Design of Development within Conservation Area
ENV2	Development affecting Listed Building
ENV3	Open Space and Trees
ENV4	Ancient Monuments and Sites of Archaeological Importance
ENV8	Other Landscape Elements of Importance for Nature Conservation
ENV10	Noise Sensitive Development
ENV11	Noise Generators
ENV12	Protection of Water Resources
ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land

13.3 Saffron Walden Neighbourhood Plan

13.3.1

SW1	Housing Mix on New Developments
SW2	Affordable Housing
SW3	Design
SW4	Parking on New Developments
SW11	Ecological Requirements for All New Domestic and Commercial Developments
SW12	Promoting Walking and Cycling
SW18	Public Rights of Way

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document – Accessible homes and playspace
Supplementary Planning Document – Developer’s contributions
Essex Design Guide
Uttlesford Interim Climate Change Planning Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

14.1 The issues to consider in the determination of this application are:

- 14.2**
- A) Principle of development**
 - B) Heritage impacts and balance / Appearance, scale, layout, landscaping / Climate change**
 - C) Residential amenity**
 - D) Access and parking**
 - E) Ecology**
 - F) Contamination**
 - G) Archaeology**
 - H) Flood risk and drainage**
 - I) Housing mix and affordable housing**
 - J) Planning obligations**
 - K) Other matters**
 - L) Planning balance**

14.3 A) Principle of development

14.3.1 The Council's October 2023 published land supply figure is **5.14 years**¹, this figure does include the necessary 5% buffer. That said the Council's (local planning authority, LPA) Development Plan cannot be viewed as being fully up to date, as such paragraph 11(d) of the National Planning Policy Framework (NPPF) is still engaged, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless (i) the application of Framework policies that protect areas or assets of particular importance provides a clear reason for refusal or (ii) any adverse impacts would significantly and demonstrably outweigh the benefits.

14.3.2 Location – Isolation:

Recent case law² defined 'isolation' as the spatial/physical separation from a settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is not isolated, as it is located within development limits in Saffron Walden. Paragraph 80 of the NPPF is not applicable.

14.3.3 Location – Services and facilities:

Saffron Walden offers a wide range of services and facilities, being one of the most sustainable towns in the district, including schools, GP surgeries, supermarkets and a vast range of commercial and professional premises and services. The nearest serviced bus stop (High Street stop – 4' walk) is 260m from the site and the nearest supermarket (Saffron Walden Costcutter – 2' walk) is 160m away. The nearest school (St Mary's

¹ Previously at **4.89 years** in Apr 2022 (from 3.52 years, Apr 2021, and 3.11 years in Jan 2021 and 2.68 years before that).

² Braintree DC v SSCLG [2018] EWCA Civ. 610.

Primary School – 8’ walk) is 550m from the site and the nearest GP surgery (Gold Street surgery – 6’ walk) is 400m away. There are pedestrian footpaths both on Park Lane and Abbey Lane, lit, continuous and maintained, that link the application site to the bus stops and the above services and facilities.

14.3.4 The occupants of the proposed apartments would be able to safely access sustainable public transport of a satisfactory frequency, and a plethora of services and facilities within walking distances. Many movements to and from the site would be undertaken by means other than the private car. Opportunities to promote sustainable transport modes have been taken up and alternative transport options are promoted by the development. Therefore, the sustainability credentials of the location are eminent and the development complies with paragraphs 104(c), 110(a) of the NPPF, policy SW12(1)-(2) of the Saffron Walden Neighbourhood Plan, and policy GEN1(e) of the Local Plan.

14.3.5 Previously developed land:
The site is previously developed land³, as there are planning records (see SWB/0005/48) and other material considerations, including the historic presence of Almshouses on the site, to support this.

14.3.6 Conclusion:
The principle of the residential use of the application site is acceptable and complies with policies S1, GEN1(e) and H4 of the Local Plan, policy SW12(1)-(2) of the Saffron Walden Neighbourhood Plan, and the NPPF. However, the principle of the development (including the principle of demolition of the existing building) is subject to additional material planning considerations, such as the impact of the proposal on heritage assets (see Section B).

14.4 B) Heritage impacts and balance / Appearance, scale, layout, landscaping / Climate change

14.4.1 Heritage impacts:
Conservation reported that the building⁴ affected by the application was constructed in the early 1950s by a prolific Essex architect and positively contributes to the Saffron Walden 1 Conservation Area, representing a later phase of development within Saffron Walden. Primes Close is a non-designated heritage asset (NDHA)⁵ due to its special architectural and

³ In the context of the NPPF glossary and a Court of Appeal decision: Dartford Borough Council v Secretary of State for Communities and Local Government & Anor [2017] EWCA Civ 141.

⁴ Known as Primes Close or Primes Close bungalows or Nos. 2-8 Primes Close bungalows.

⁵ The applicant concurs that the existing building is a non-designated heritage asset (NDHA) when stating that “*The Primes Close Bungalows are not listed but have been identified as being non-designated heritage assets*” (Planning Statement, paragraph 2.4) or “*The site is identified as having two non-designated heritage assets within it both of which would be demolished and replaced*” (Planning Statement, paragraph 6.3). See also Heritage Statement, paragraph 2.3(i).

historic interest. The site is close to several Grade II listed buildings⁶ and within the above Conservation Area, and as such, an assessment of the proposed development's impact to the significance of these heritage assets is necessary, as per paragraph 195 of the NPPF.

14.4.2 The proposed demolition of Primes Close bungalows would result in harm to the significance of the Conservation Area, failing to comply with paragraphs 202 and 207 of the NPPF. The loss of the existing NDHA would also result in the total loss of its significance, failing to comply with paragraph 203 of the NPPF. Therefore, the principle of the demolition of Primes Close is not acceptable unless proven that the building is beyond reasonable repair.

14.4.3 Notwithstanding this, the proposed building, by reason of its scale, massing, architectural details and plan form, would harm the character or appearance of the Conservation Area and the significance of a number of listed buildings. More specifically, the proposed building would be too large and bulky with a greater height than the listed buildings to the north (1 and 9 Primes Close), adversely impacting the prominence of the heritage assets and detracting from our experience, appreciation and views of the heritage assets, including the principal elevation of 1 and 9 Primes Close and the rear elevation of the King Edward VI Almshouses Central Block and Chapel to the south (see images). In addition, the proposed building would be largely rectilinear in plan with a large square western end, failing to reinstate the historic courtyard form. Incongruous architectural elements, such as balconies, a large crown roof (indicative of its bulky massing) and solar panels⁷, would also be harmful to the significance of the Conservation Area.



⁶ (1 and 9) Primes Close (Grade II) – Two buildings under one listing.
King Edward VI Almshouses Central Block and Chapel (Grade II).
King Edward VI Almshouses East Block (Grade II).
King Edward VI Almshouses West Block (Grade II).
7 Park Lane (Grade II).
9 and 11 Park Lane (Grade II).
Garden Wall of Walden Place (Grade II).
United Reformed Church (Grade II).

⁷ Solar panels were considered incongruous architectural elements, following verbal feedback from Conservation, given their presence in the Proposed Elevations drawing.



- 14.4.4** Therefore, the Conservation officer raised **objections**, as the demolition of the existing building would lead to the complete loss of the NDHA and would fail to preserve or enhance the character or appearance of the Saffron Walden 1 Conservation Area. The proposed building would fail to preserve the setting, special interest and significance of the listed buildings and would fail to preserve or enhance the character or appearance of the same Conservation Area. The level of harm would be ‘less than substantial’ towards the middle-high end of the spectrum for 1 and 9 Primes Close, and towards the low-middle end of the spectrum for the Conservation Area and the rest of the heritage assets included in Footnote 6 (except of the Garden Wall of Walden Place). The proposals would be contrary to paragraphs 202, 203 and 207 of the NPPF, and sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 14.4.5** Policy SW3(1) of the Saffron Walden Neighbourhood Plan requires all developments in the town to positively contribute to its sense of place through a design-led approach. Policy SW3(4) states, amongst others, that developments must demonstrate that they (a) display a high level of architectural quality which responds positively to Saffron Walden’s context and distinctive character by ensuring that height and scale is in keeping with neighbouring properties; (b) evidence a positive response to the historic environment and (c) integrate well with existing neighbourhoods while seeking to improve the aesthetic of the immediate area. Considering the above analysis, the proposal would fail policies SW3(1) and SW3(4)(a)-(c) of the Saffron Walden Neighbourhood Plan that carry significant weight.
- 14.4.6** Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 14.4.7** Heritage balance:
The applicant concurs with the Local Planning Authority (LPA) that the proposed development would result in ‘less than substantial harm’ to the significance of the designated heritage assets and a direct harm to the

NDHA⁸. The application maintains that such harm is outweighed by the public benefits of the proposal and that there are heritage benefits from scheme that are not enough to outweigh its harmful impact to the heritage assets without the public benefits. In the applicant's words "*Heritage benefits are identified as flowing from the development but on their own are not sufficient to weigh the balance in favour of the development therefore the full range of public benefits resulting are considered*"⁹.

14.4.8 Paragraph 202 of the NPPF states that where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the *public benefits* of the proposal including, where appropriate, securing its optimum viable use. The Conservation officer did not identify any heritage benefits from the proposed scheme. However, the heritage balancing exercise would require the above 'less than substantial harm' to be weighed against the public benefits of the scheme, which include:

- Provision of 16 no. affordable units (net increase of 9 no. units).
- Net increase of 9 no. units to the 5YHLS.
- Provision of accessible and energy/water efficient units.
- Accessible and sustainable location.
- Reduced flood risk due to the replacement culvert.
- Ecological and biodiversity enhancements and net gains.
- Economic benefits.

14.4.9 By reason of the limited number of units proposed and the small overall contribution to the 5YHLS of the scheme, the above public benefits would be of limited to moderate weight (see Section L). In comparison, paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As such, the 'less than substantial harm' identified earlier would be afforded great weight. Therefore, the above public benefits would not outweigh the heritage harm of this scheme.

14.4.10 Paragraph 11(d) of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of Framework policies that protect areas or assets of particular importance provides a clear reason for refusal or
- (ii) any adverse impacts would significantly and demonstrably outweigh the benefits.

Footnote 7 of the NPPF includes policies relating to designated heritage assets. Therefore, considering the above analysis and balancing exercise, the application of paragraphs 202 and 207 of the NPPF that protect designated heritage assets provide a **clear reason for refusing**

⁸ See Planning Statement, paragraphs 5.6, 5.25, 7.3; Heritage Statement, paragraphs 7.8(iv), 7.8(v), 8.0(vi); Response to Heritage Comments, p.3.

⁹ Heritage Statement, paragraph 8.0(vii) (own emphasis).

the development, as the scheme fails to comply with paragraph 11(d)(i) of the NPPF.

14.4.11 Notwithstanding the above and for completeness, the application maintains the following heritage benefits, which are discussed below:

1. **The development secures the function (optimum viable use) of the other historic Almshouses in the locality¹⁰:**

The optimum viable use of the existing buildings in the wider site (blue line) is already residential and there is no sufficient evidence to demonstrate how the proposal would assist to continue the optimum viable use of the rest of the Almshouses or why their function is at risk.

2. **The existing single storey building is out of scale with the surrounding buildings and the proposed two-storey building would better follow the local pattern of development and create a courtyard¹¹:**

There are single storey buildings in the area (e.g. nos. 5-10 Abbey Lane and the Bowling Club building). The proposed building is higher than nos. 1 and 9 Primes Close and the former 1782 building (see images), plus it does not reinstate a historic courtyard form, as it is largely rectilinear with a large square western end. The courtyard to the north is also existing due to the presence of the listed buildings and the proposal would lead to the loss of the existing courtyard to the south.



3. **The proposed building is of high design quality¹²:**

The proposal contains incongruous architectural features, as elaborated above.

4. **The proposed building takes references from the 1782 building that was demolished¹³:**

The proposed building would have a much greater bulk and massing than the 1782 building.

5. **The proposed building would be energy and water efficient¹⁴:**

The green technologies employed are not enough to justify the above heritage harm.

6. **Demolition of the existing building unlocks the ability to access and replace the culvert¹⁵:**

Conservation verbally confirmed that the culvert has no historic, architectural or other heritage interest given its underground position, and as such, its replacement is not a heritage benefit.

¹⁰ Heritage Statement, paragraph 7.9(i)a.

¹¹ Heritage Statement, paragraphs 7.6(ii)-(iii), 7.9(i)b.

¹² Heritage Statement, paragraph 7.9(i)b.

¹³ Response to Heritage Comments, p.2.

¹⁴ See Energy Statement.

¹⁵ Design and Access Statement, paragraph 1.1.3(i).

14.4.12 The application also supports:

- **The building is not identified as a positive contributor to the Conservation Area in the Saffron Walden Conservation Area Appraisal or in the Local Heritage List¹⁶:**

It is common ground with the applicant that the building is a NDHA (see Footnote 5). Such assets can be identified during the decision-making process as evidence emerges – this was clarified at the pre-app stage (UTT/22/1153/PA) – and the Conservation Area Appraisal is not a binary document.

- **The interest of the existing building is low or neutral¹⁷:**
This point was challenged by Conservation and the application also supports that “*the building is not without merit*”¹⁸.
- **Draft guidance from Historic England is supportive of the scheme¹⁹:**

This mainly relates to the public benefits of the scheme (see above and Section L). Paragraph 24 of the document states that “*just because there is a need to carry out changes does not automatically mean that the need trumps the significance*” and that alternatives which avoid or mitigate harmful impacts should be considered.

14.4.13 Appearance, scale, layout, landscaping:

The matters of appearance, scale and layout have been discussed in the preceding paragraphs and shall not be repeated here. However, some comments on the landscaping proposals are necessary.

14.4.14 The application proposes to retain the mature trees on site with two small trees in the front (north) court removed for construction purposes and replaced with others upon completion, as well as low maintenance landscaping details²⁰. Notwithstanding these, additional landscaping would not soften the scale and massing of the proposed building nor alleviate the heritage harm identified above. Green landscaping to reduce visual impacts is also a requirement of policy SW18 of the Saffron Walden Neighbourhood Plan, and as such, it cannot stand as a public benefit.

14.4.15 Climate change:

The LPA adopted a Climate Crisis Strategy 2021-30 and an Interim Climate Change Planning Policy, which prioritises energy performance. The development would bring forward water and energy efficiency measures and construction techniques to ensure compliance with the above policies, as well as section 14 of the NPPF, including solar panels and air source heat pumps. Water efficiency would be at a total water consumption of 99.7 litres per person per day for each unit²¹, which

¹⁶ Heritage Statement, paragraphs 4.5(v), 7.6(i).

¹⁷ Planning Statement, paragraph 7.4; Heritage Statement, paragraph 6.1.1.

¹⁸ Heritage Statement, paragraph 7.5.1(i).

¹⁹ Response to Heritage Comments 2.

²⁰ Planning Statement, paragraph 5.19; Design and Access Statement Part 2, paragraph 5.4(vi), 5.4(viii).

²¹ Energy Statement, p.35.

complies with the 110 litres per person per day set out in interim policy 3 of the Interim Climate Change Planning Policy, and policy GEN2(e) of the Local Plan. Although these green technologies are benefits for the scheme, they are not considered adequate to eliminate or mitigate the heritage harm identified above.

14.4.16 Conclusion:

Considering the above, the heritage balance of the proposed development tilts against the scheme. The proposals would be contrary to paragraphs 202, 203 and 207 of the NPPF, policies ENV1, ENV2 and GEN2 of the adopted Uttlesford Local Plan (2005), policies SW3(1) and SW3(4)(a)-(c) of the Saffron Walden Neighbourhood Plan (October 2022), and sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

14.5 **C) Residential amenity**

14.5.1 In terms of the residential amenity of the occupants, the proposed flats have the following occupancies and gross internal areas (GIA) compared to the minimum thresholds set out in the Nationally Described Space Standard (NDSS, see brackets):

- Flat 1: 1B2P²² 42.2sqm (< threshold 50sqm) – below standards
- Flat 2: 1B2P 43.7sqm (< threshold 50sqm) – below standards
- Flat 3: 1B1P 41sqm (> threshold 37sqm)
- Flat 4: 1B1P 42.4sqm (> threshold 37sqm)
- Flat 5: 1B1P 44.7sqm (> threshold 37sqm)
- Flat 6: 1B2P 52.1sqm (> threshold 50sqm)
- Flat 7: 1B2P 47.1sqm (< threshold 50sqm) – below standards
- Flat 8: 2B3P 60sqm (< threshold 61sqm) – below standards
- Flat 9: 1B2P 42.3sqm (< threshold 50sqm) – below standards
- Flat 10: 1B2P 43.7sqm (< threshold 50sqm) – below standards
- Flat 11: 1B1P 41sqm (> threshold 37sqm)
- Flat 12: 1B1P 42.3sqm (> threshold 37sqm)
- Flat 13: 2B3P 63.8sqm (> threshold 61sqm)
- Flat 14: 1B2P 48.3sqm (< threshold 50sqm) – below standards
- Flat 15: 1B2P 44.5sqm (< threshold 50sqm) – below standards
- Flat 16: 2B3P 60.3sqm (< threshold 61sqm) – below standards.

14.5.2 Therefore, flats 1-2, 7-10 and 14-16 have GIAs that fall below the minimum thresholds of the NDSS, and as such, the above flats offer sub-standard living accommodation for their future occupants, by way of providing inadequate floor space, to the detriment of their residential amenity. The proposal fails to comply with policy GEN2(c) of the Local Plan, and paragraph 130(f) of the NPPF.

14.5.3 In terms of amenity (garden) space, the proposed flats have an adequate communal garden area that well exceeds the minimum threshold of

²² 1B2P = 1 no. bedroom – 2 no. persons.

25sqm per flat (see Essex Design Guide), in compliance with policy SW3(12) of the Saffron Walden Neighbourhood Plan. Although the privacy of the communal garden would be questionable given the public footpath running through the site and proposed building, the existing situation is the same, plus it would be unreasonable to enclose the public footpath through fencing for reasons of security and heritage impact. The rest of the properties under the applicant's control retain the same level of amenity space.

14.5.4 In terms of noise, odours, vibrations, dust, light pollution and other disturbances, notwithstanding the concerns raised by neighbouring occupiers, the Environmental Health officer raised **no objections** subject to conditions (see also Section 6).

14.5.5 After applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests, the following conclusions are drawn for the impact of the proposed development to the residential amenity of the neighbouring occupiers in terms of potential material overshadowing, overlooking (actual or perceived) and overbearing effects.

14.5.6 Potential overlooking and loss of privacy:

- **Flat 9:**

- Living room and kitchen windows (west facing) would create a perception of overlooking to the private garden of no. 7 Park Lane. Despite being obscure-glazed (which would minimise actual overlooking), the vantage position and numbers of those windows and their capacity to be opened, will lead to perceived overlooking to the detriment of the residential amenity of the neighbouring occupiers.
- The living room Juliet balcony (north facing) would directly face the private garden of no. 9 Primes Close cottage from a vantage position, leading to actual and perceived overlooking of, and loss of privacy to, the neighbouring occupiers.

- **Flats 11 and 12:**

- The proposed balconies would be directly facing into habitable room windows on the north elevation of the King Edward VI Almshouses Central Block and Chapel. The applicant maintains that floor heights vary between the two buildings and that most of the existing windows belong to non-habitable rooms²³. However, the following graphic shows alignment of the balconies with some of the windows of the central block, including at least one bedroom window. Therefore, there is material overlooking of, and loss of privacy to, habitable room windows of the central block that would harm the residential amenity of the neighbouring occupiers.

²³ Design and Access Statement Part 2, paragraph 5.2(xxvi).



- **Flat 16:**
 - The proposed bedroom window (east facing) would be directly facing the private garden of no. 5 Park Lane and would create a perception of overlooking to those neighbouring occupiers. Despite being obscure-glazed (which would minimise actual overlooking), the vantage position and its capacity to be opened, will lead to perceived overlooking to the detriment of the residential amenity of the neighbouring occupiers.

14.5.7 Potential overshadowing and loss of light:

Due to its size, scale and position, the proposed building would lead to material overshadowing of, and loss of light to, the private gardens of no. 9 Primes Close cottage and no. 7 Park Lane, to the detriment of the residential amenity of the neighbouring occupiers. A comparison between the existing and proposed sunlight and shade analysis provided in the application confirms this²⁴:

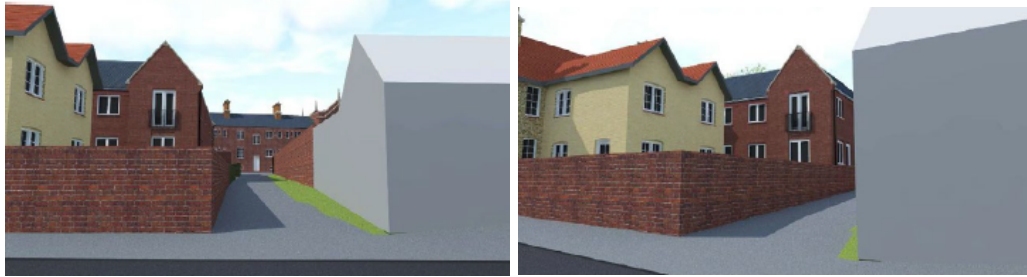


14.5.8 Potential overbearing effects:

Given the limited gaps in relation to the private garden of no. 9 Primes Close cottage, the increased height of the proposed building and the existing two-storey building at no. 7 Park Lane, the scheme would amount to an overbearing impact ('tunnelling effect' or 'sense of enclosure') that would harm the residential amenity of the neighbouring occupiers at no. 9 Primes Close cottage. The followings graphics attest to this harm²⁵:

²⁴ See Design and Access Statement, p.18; and Design and Access Statement Part 2, p.47.

²⁵ See Heritage Statement, p.21.



14.5.9 Overall, the proposal would materially harm residential amenities of existing and future occupants, and would fail to comply with policies H4(b)-(c) and GEN2 of the Local Plan, policy SW3(4)(g) of the Saffron Walden Neighbourhood Plan, the Essex Design Guide, and the NPPF.

14.6 D) Access and parking

14.6.1 From a highway and transportation perspective and notwithstanding the concerns of third parties, the Highway Authority raised **no objections** subject to conditions in the interests of highway safety, as the development accords with the Essex County Council Supplementary Guidance – Development Management Policies (Feb 2011), policy GEN1 of the Local Plan, and paragraphs 111 and 110(b) of the NPPF.

14.6.2 The proposed parking arrangements include 2 no. additional parking spaces, one of which is a disabled space of appropriate dimensions. The existing parking arrangements for the wider site (blue and red lines) include 11 no. spaces for 43 no. units (coverage 23.4%), whilst the proposed situation would bring coverage to 25% (13 no. spaces for 52 no. units given the net increase of 9 no. flats). Although parking provision will still be below the levels required by the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009), contrary to policy SW4(1) of the Saffron Walden Neighbourhood Plan, the *status quo* is retained, and as such, the conflict with the above policy would hold limited weight. It would also be unreasonable to refuse the application on insufficient parking (or visitors' parking) grounds given the improvement in the current situation and the proximity of the application site to sustainable transport modes and the town centre.

14.6.3 The proposed cycle parking spaces (10 no. spaces) fall short of the requirements of the Essex County Council Parking Standards (2009), which would be 19 no. cycle spaces on this occasion. However, again, this can be justified given the proximity of the application site to sustainable transport modes and the town centre, and as such, the conflict with policy SW4(2) of the Saffron Walden Neighbourhood Plan would be afforded limited weight.

14.6.4 Overall, the proposal would accord with policies GEN1 and GEN8 of the Local Plan, and the NPPF (insofar as they refer to the above section).

14.7 E) Ecology

14.7.1 The Ecology officer raised **no objections** subject to conditions to secure biodiversity mitigation and enhancement measures. The development accords with paragraphs 43, 174(d) and 180 of the NPPF, and policy SW11(5) of the Saffron Walden Neighbourhood Plan.

14.7.2 Overall, the proposal is acceptable in nature conservation and biodiversity terms, and accords with policies GEN7, ENV8 of the Local Plan, the Saffron Walden Neighbourhood Plan, and the NPPF.

14.8 F) Contamination

14.8.1 In terms of contamination, the Environmental Health officer raised **no objections** subject to conditions to protect human health and the environment.

14.8.2 Overall, the proposal is acceptable in contamination terms, and accords with policies ENV14, ENV12, ENV13 of the Local Plan, and the NPPF.

14.9 G) Archaeology

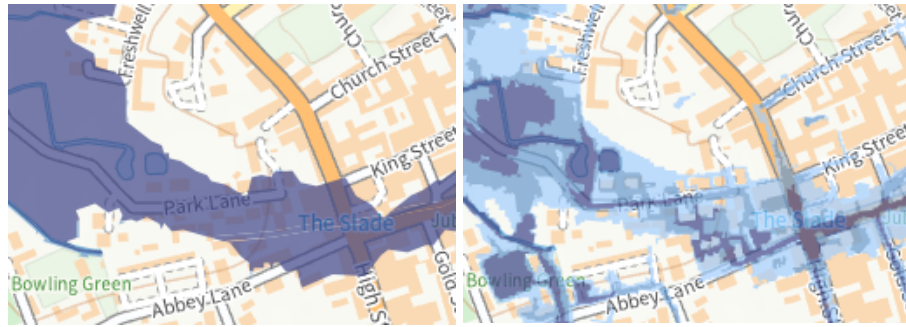
14.9.1 Archaeology reported that *“the proposed development lies within a sensitive area of heritage assets and archaeological potential”*. Archaeology raised **no objections** subject to conditions for building recording and for an archaeological programme of trial trenching followed by open area excavation to protect potential archaeological remains. The development complies with paragraph 192(b) of the NPPF.

14.9.2 Overall, the proposal is acceptable in archaeological terms, and complies with policy ENV4 of the Local Plan, and the NPPF.

14.10 H) Flood risk and drainage

14.10.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary in such areas, making it safe for its lifetime without increasing flood risk elsewhere (see paragraphs 159-169 of the NPPF).

14.10.2 The site falls within Flood Risk Zones 2 and 3, and comprises a ‘major development’, and as such, matters of flood risk and drainage must be considered, plus the NPPF requires the submission of a Flood Risk Assessment (FRA) and the use of Sustainable Urban Drainage Systems (SUDS). The following images show the extent of flooding from rivers and from surface water.



- 14.10.3** Paragraph 167 of the NPPF states, amongst other things, that development should only be allowed in areas at risk of flooding where, in the light of the site-specific flood-risk assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - any residual risk can be safely managed; and
 - safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 14.10.4** Notwithstanding the submission of additional information from the applicant, Essex County Council (as the Lead Local Flood Authority, LLFA) raised **objections** as it has not been demonstrated that the proposed development would not increase flood risk on the site or elsewhere nor that the operation of the proposed SUDS would be effective, contrary to paragraph 167 of the NPPF and policy GEN3 of the Local Plan. Essex County Council reported flaws in the updated FRA, as well as the lack of appropriate information regarding the locations and details of the proposed SUDS features (including information about infiltration testing for the possibility of the attenuation tank to become an infiltration feature) and the hydraulic modelling details that should include appropriately entered climate change mitigation values.
- 14.10.5** Essex County Council did not comment on the proposed replacement of part of the River Slade culvert and recommended that the Environment Agency should be consulted. The Environment Agency, following review of the additional information, raised **no objections** as the FRA suitably demonstrated that there will be no net loss of flood storage resulting from the proposed development, recommending adherence with the mitigation measures including in the FRA, such as specific finished floor levels and flood resilient measures. Notwithstanding the conflicting positions of the LLFA and the Environment Agency, it is considered reasonable to refuse the application until both consultees are on board given that the concerns raised by the LLFA relate to potential danger to human lives and damage to property. For example, although the volume of the flood storage has

been considered appropriate by the Environment Agency, the location and details of the attenuation tank have been deemed inappropriate by the LLFA.

14.10.6 The Environment Agency also reported that the proposed development allows for better placement of the buildings in relation to the culvert. The proposed replacement of the culvert section would mean that:

This section of the culvert will be more accessible for maintenance and the building will no longer be positioned on it. This will also help structurally. Blockages associated with the Town Centre culvert are known to cause flooding, so there will be betterment by replacing this section as the risk of collapse or failure would be greatly reduced over the existing. It will not eliminate flood risk to Saffron Walden as this will only replace one section of the town centre culvert and there are still other sections where blockages could occur. However it will likely have flood risk benefit and will be an improvement on the existing culvert in this section. [...]

In summary we are in favour of replacing the culvert section as it will provide betterment but it will not eliminate flood risk altogether.

14.10.7 Following the submission of additional information, Anglian Water raised **no objections** subject to conditions to the wastewater, used water and surface water treatments or the capacities of the relevant infrastructure networks.

14.10.8 The Canal & River Trust refrained from commenting as the application site falls outside the notified area for its scale and location.

14.10.9 Overall, the proposal is not acceptable in terms of flood risk and drainage, and fails to accord with policy GEN3 of the Local Plan, policies SW3(14) and SW11 of the Saffron Walden Neighbourhood Plan, and the NPPF.

14.11 I) Housing mix and affordable housing

14.11.1 Policy H10 is applicable on sites of 0.1ha and above or of 3 no. or more dwellings; being relevant on this occasion. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. As such, notwithstanding policy H10 requiring smaller properties, more recent evidence in the Saffron Walden Neighbourhood Plan suggest there is lower demand for flats than houses, but higher demand for 1- and 2-bedroom flats than 3-bedroom flats. In any case, the Housing officer supported the provision of the proposed housing mix (13 no. 1- and 3 no. 2-bedroom flats). The proposal would comply with policy SW1 of the Saffron Walden Neighbourhood Plan.

14.11.2 The 40% affordable housing contribution is triggered as the scheme comprises ‘major development’ for the purposes of the NPPF²⁶ of more than 15 no. units (as required by policy H9 of the Local Plan). The application proposes 100% affordable units that shall be secured through a section 106 agreement or a unilateral undertaking (legal agreement). The Housing officer raised **no objections** and noted the public benefits of the scheme and that “*it would provide new affordable housing for those in housing need within Saffron Walden*”. The development would comply with policy H9 of the Local Plan, policy SW2 of the Saffron Walden Neighbourhood Plan, and the NPPF.

14.12 J) Planning obligations

14.12.1 Paragraph 57 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following paragraph identifies those matters that the LPA would seek to secure through a planning obligation in accordance with the Supplementary Planning Document – Developer’s Contributions (March 2023) and the Essex County Council’s Developers’ Guide to Infrastructure Contributions.

14.12.2 The development has failed to provide the necessary mechanism to secure the following planning obligations that comply with CIL regulations and paragraph 57 of the NPPF:

- Provision of affordable housing.
- Provision of wheelchair accessible and adaptable dwellings.
- Payment of the Council’s reasonable legal costs.
- Payment of monitoring fee.

14.12.3 If the scheme were acceptable, a legal agreement to secure the above Heads of Terms would be expected to be signed, to ensure the proposal would accord with policy GEN6 of the Local Plan, which seeks to secure the required provision of appropriate infrastructure to mitigate the impacts of the development.

14.13 K) Other matters

14.13.1 Essex Police raised concerns with the application on the grounds of inappropriate lighting features (i.e. bollards and wall mounted lamps) as these can increase the fear of crime, as well as on the grounds of secure access and visitor control given that the proposed ground floor terraces open into publicly accessible space. The proposal would fail to comply

²⁶ ‘Major development’ is defined in the NPPF Glossary (p.68): For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

with policy GEN2(d) of the Local Plan that aims at reducing the potential for crime, and paragraph 130(f) of the NPPF. Notwithstanding these concerns, the above could be controlled through the use of appropriate conditions (if the scheme were acceptable) in regard to boundary treatments and a detailed lighting scheme, and as such, the above conflict would hold limited weight.

14.13.2 The Stansted Airport Safeguarding Authority have **no objections** unconditionally on flight safety grounds.

14.14 L) Planning balance

14.14.1 The following public benefits²⁷ of the scheme are discussed in the next paragraphs:

- Provision of 16 no. affordable units (net increase of 9 no. units) – moderate weight.
- Net increase of 9 no. units to the 5YHLS – moderate weight.
- Provision of accessible and energy/water efficient units – limited weight.
- Accessible and sustainable location – limited weight.
- Reduced flood risk to the town due to the replacement culvert – limited weight.
- Ecological and biodiversity enhancements and net gains – limited weight.
- Economic benefits – limited weight.

14.14.2 The application maintains that the existing building has defects (including poor ventilation, insulation, and materials, damp and mould growth) that create energy efficiency and health challenges for the occupants of the bungalows²⁸. The application accepts “*it would be possible to upgrade the existing building*” but that would not be the preferred option as it would not be economically viable and would retain residual problems²⁹. However, the financial cost and strategy of the applicant is not appropriate planning justification for the proposed development that was found to be harmful to a NDHA and designated heritage assets (including listed buildings and the Conservation Area). A viability assessment has not been provided by the applicant nor independently checked. In any case, the applicant accepts that the existing building is not beyond repair and upgrading, which would reasonably justify its demolition.

14.14.3 The net provision of 9 no. affordable units and the equal contribution to the 5YHLS would be meaningful but rather moderate public benefits arising from the development, as they would make little difference to the

²⁷ See Planning Statement, paragraph 6.5; see also Summary of Public Benefit; and various sections in the Design and Access Statement and the Design and Access Statement Part 2.

²⁸ For an analytical description of the defects, see Surveyor Letter; section 4.2 of the Design and Access Statement; and the Structural Survey.

²⁹ Design and Access Statement, paragraph 4.0(ii); see also phrase “*it is not the case that the Primes Close is beyond repair*” (Design and Access Statement, paragraph 4.1(x)).

overall supply of housing in the district (especially since the 5YHLS is above 5 years, see paragraph 14.3.1).

- 14.14.4** The accessibility credentials and the energy/water efficiency measures incorporated in the design of the proposed building are supported by the NPPF, the Supplementary Planning Document Accessible Homes and Playspace, and the Interim Climate Change Planning Policy. However, the limited number of units proposed means that the public benefit would also be limited to its extent.
- 14.14.5** Although the proposed replacement to section of the River Slade culvert would reduce the flood risk to the town, this benefit would hold limited weight given that it is only part of the culvert that will be replaced and blockages could still occur on other sections of it, and as such, flood risk to the town from this feature would not be eliminated or substantially reduced.
- 14.14.6** The location of the application site close to the services and facilities of the town centre and public transport links within easy and safe walking distances would also be a public benefit. However, the scheme would not be a car-free development, and as such, the benefit of its location would be afforded limited weight.
- 14.14.7** The proposal would be able to offer biodiversity enhancements and net gains; these matters would only attract limited weight.
- 14.14.8** The proposal would also provide a modest contribution towards the wider local economy during construction, via potential short-term employment for local builders and suppliers of materials, and post-construction via reasonable use of local services in the town. However, the economic benefits of 16 no. flats would be modest and would attract limited weight.
- 14.14.9** On the other hand, the adverse impacts of the proposed development include:
- Heritage harm from the demolition of NDHA – significant weight.
 - Heritage harm from the proposed building – great weight.
 - Flood risk increase on site and elsewhere – significant weight.
 - Harm to the residential amenity of existing and future occupants – significant weight.
 - Lack of mechanism to secure the provision of affordable and accessible/adaptable housing – significant weight.

It has been concluded in Section B that the proposal would lead to the total loss of the NDHA (and its significance), which would also fail to preserve or enhance the character or appearance of the Saffron Walden 1 Conservation Area. The principle of demolition of the existing building was not found acceptable. It has also been concluded that the proposed building would fail to preserve the setting, special interest and significance

of several listed buildings³⁰ and would fail to preserve or enhance the character or appearance of the same Conservation Area, causing 'less than substantial' towards the middle-high end of the spectrum for nos. 1 and 9 Primes Close, and low-middle end of the spectrum for the Conservation Area and the rest of the heritage assets (see footnote 30). The proposals would conflict with paragraphs 202, 203 and 207 of the NPPF, policies ENV1, ENV2 and GEN2 of the adopted Uttlesford Local Plan (2005), policies SW3(1) and SW3(4)(a)-(c) of the Saffron Walden Neighbourhood Plan (October 2022), and sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

14.14.10 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, *great weight* should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Therefore, great weight would be afforded to the heritage harm caused by the proposed building and the loss of the existing building.

14.14.11 The loss of the NDHA would attract significant weight given its complete loss.

The potential increase of flood risk on site or elsewhere could endanger human lives and damage properties, and as such, given the location of the application site within Flood Zones 2 and 3, would attract significant weight. The same weight applies to the harm to the residential amenity of existing and future occupants within or in the vicinity of the site, as that would decrease the quality of their life through sub-standard living conditions.

14.14.12 Finally, the development has failed to provide the necessary mechanism to secure the following planning obligations that comply with CIL regulations and paragraph 57 of the NPPF:

- Provision of affordable housing.
- Provision of wheelchair accessible and adaptable dwellings.
- Payment of the Council's reasonable legal costs.
- Payment of monitoring fee.

14.14.13 Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. The proposal would not be

³⁰ King Edward VI Almshouses Central Block and Chapel (Grade II).
King Edward VI Almshouses East Block (Grade II).
King Edward VI Almshouses West Block (Grade II).
7 Park Lane (Grade II).
9 and 11 Park Lane (Grade II).
United Reformed Church

sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

16. CONCLUSION

16.1 The heritage and planning balances found that the application of policies in the NPPF that protect assets of particular importance would provide a clear reason for refusing the proposed development and that the adverse impacts of the proposed scheme would significantly and demonstrably outweigh the benefits.

16.2 Overall, for the reasons given in this report, the proposal would conflict with the development plan as a whole, and there are no material considerations, including the provisions in the Framework and the benefits of the proposal, which would indicate that the development should be determined other than in accordance with it.

16.3 It is therefore recommended that the application be refused on the grounds specified in section 17 of this report.

17. REASONS FOR REFUSAL

17.1 The application of paragraphs 202 and 207 of the National Planning Policy Framework (2023) that protect designated heritage assets of particular importance provides a clear reason for refusing the proposed development, as per paragraph 11(d)(i) of the Framework. The principle of the development is not acceptable. Therefore, the proposal fails to comply with the National Planning Policy Framework (2023).

17.2 The proposed development would fail to preserve or enhance the character or appearance of the Saffron Walden 1 Conservation Area and would fail to preserve the setting, special interest and significance of several listed buildings, causing 'less than substantial harm'. The proposed demolition of the existing building would harm the significance of the Conservation Area and result in the total loss of the significance of this non-designated heritage asset. The proposed building, by reason of its scale, massing, architectural details and plan form, would harm the character or appearance of the Conservation Area and the significance of several listed buildings. The harm to the significance of the designated heritage assets would not be outweighed by the public benefits of the proposal. Therefore, the proposal would fail to accord with policies ENV1, ENV2 and GEN2 of the adopted Uttlesford Local Plan (2005), policies SW3(1) and SW3(4)(a)-(c) of the Saffron Walden Neighbourhood Plan (October 2022), sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraphs 202, 203 and 207 of the National Planning Policy Framework (2023).

17.3 Insufficient information has been submitted with the application to demonstrate that the proposed development would not increase flood risk on the application site or elsewhere or that the operation of the proposed sustainable drainage systems would be effective, contrary to paragraph 167 of the National Planning Policy Framework (2023), and policy GEN3 of the adopted Uttlesford Local Plan (2005).

17.4 The proposed development would harm the living conditions of existing neighbouring occupiers and would provide sub-standard living conditions for its future occupants, to the detriment of their residential amenity. The proposal would lead to (actual and perceived) overlooking of and loss of privacy to the private garden of no. 9 Primes Close and some habitable room windows of the Central Block. The proposal would lead to (perceived) overlooking of the private gardens of nos. 5 and 7 Park Lane. By reason of its scale and position, the proposed building would lead to overshadowing of and loss of light to the private gardens of nos. 9 Primes Close and 7 Park Lane and to overbearing effects to the occupiers of no. 9 Primes Close. The proposed units would also provide gross internal areas that are below the minimum thresholds. Therefore, the proposal

would conflict with policies GEN2 and H4(b)-(c) of the adopted Uttlesford Local Plan (2005), policy SW3(4)(g) of the Saffron Walden Neighbourhood Plan, the Essex Design Guide, the Nationally Described Space Standard (2015), and the National Planning Policy Framework (2023).

17.5 The application does not include a mechanism such as a S106 legal agreement to secure;

- i. Provision of affordable housing
- ii. Provision of accessible and adaptable dwellings
- iii. Pay the Council's reasonable legal costs
- iv. Pay the monitoring fee.

Therefore, the proposal would be contrary to policies GEN6 and H9 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2023).

APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS

Your Ref: UTT/23/0976/FUL
Our Ref: 56471
Date: 20th June 2023



CC: (by email) *DM, SMO2, Chelmsford*

Paul Crick
Director for Highways
and Transportation

To: Uttlesford District Council
Assistant Director Planning & Building Control
Council Offices
London Road
SAFFRON WALDEN CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/23/0976/FUL
Applicant Mr Steve Hasler
Site Location King Edward VI Almshouses Abbey Lane Saffron Walden Essex CB10 1DE
Proposal Demolition of existing building containing 7 no. 2-bed almshouse units. Construction of new two-storey building, containing 16 no. almshouse units in a mixture of 1 and 2 bed flats. Associated bin store, car and cycle parking, and landscaping. Replacement of part of the River Slade culvert.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following measures:

1. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. **Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety
2. No development shall take place, including any ground works or demolition, until a temporary access scheme has been submitted to, and approved in writing by, the local planning authority. This should include, but not limited to, details for a temporary works access, loading and unloading of plant and materials and any other arrangements deemed necessary, to allow the works to take place without compromising Highway safety. **Reason:** To ensure the safe and suitable access can be provided for the works in the interests of Highway Safety.
3. Upon completion of the development, a highway reinstatement scheme shall be submitted to, and approved in writing by, the local planning authority. This should include, but not limited to, reinstatement of the footway and any other works deemed necessary, to reinstate the Highway. In the interests of clarity this scheme shall be implemented prior to first occupation of the development, in agreement with and to the satisfaction of the Highway Authority. **Reason:** To ensure the safe and suitable reinstatement of the Highway for all Highway users in the interests of Highway Safety.

4. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;
- i. vehicle routing,
 - ii. the parking of vehicles of site operatives and visitors,
 - iii. storage of plant and materials used in constructing the development,
 - iv. wheel and underbody washing facilities.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety

5. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator) **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 55 (Saffron Walden) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

- iii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing

anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway

- iv. There shall be no discharge of surface water onto the Highway.
- v. Under Section 23 of the Land Drainage Act 1991, prior written consent from the Environment Agency is required to build any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.
- vi. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway
- vii. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval



.....
pp. Director for Highways and Transportation
Enquiries to Eirini Spyratou
Email: eirini.spyratou@essex.gov.uk

APPENDIX 2 – ESSEX COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY

Essex County Council
**Development and Flood Risk
Environment and Climate Action,**
C426 County Hall
Chelmsford
Essex CM1 1QH



Avgerinos Vlachos
Uttlesford District Council
Planning Services

Date: 5th September 2023
Our Ref: SUDS-006780
Your Ref: UTT/23/0976/FUL

Dear Mr Vlachos,

Consultation Response –UTT/23/0976/FUL– King Edward VI Almshouses, Abbey Lane, Saffron Walden, Essex, CB10 1DE

Thank you for your email received on 22/08/2023 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a **holding objection** to the granting of planning permission based on the following:

- The FRA has not been wholly updated and in multiple places the discharge rate is stated as 2l/s or higher. Please confirm that 1l/s is the intended discharge rate and revise the FRA accordingly to reflect the most recent drainage design.
- The levels confirm that the site runs from south to north. Therefore, explanation is required regarding how the water will reach the discharge location in the south as there is no pump shown on the drainage plan.
- At the FULL application stage, full structural, hydraulic and ground investigations, including detailed infiltration testing in line with BRE365, groundwater level, should be provided exploring the possibility for the attenuation tank to become an infiltration feature.

<https://www.essexdesignguide.co.uk/suds/what-we-expect/>

- The drainage plan should have all pipes, manholes, attenuation tanks etc labelled with their CL's and IL's and this should correspond to the hydraulic modelling.
- The hydraulic modelling (currently Appendix A.2 of the Technical Note) should capture all pipework and be in line with the [Drainage Calculations Guide](#). Climate change values should not be entered under 'Additional Flow (%)'. Furthermore, the LLFA asks for justification and details to be provided if values of less than 150 mm/hr are used for the maximum rainfall.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures
Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk)
- Other SuDS features such as rain gardens and tree pits should be explored to provide added water quality benefits and biodiversity and amenity.
- The Environment Agency should be consulted upon the replacement of part of the River Slade culvert, as this does not fall within the direct remit of the SuDS and LLFA team, and therefore this response does not take into account those proposals.

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

Gemma Parson, Development and Flood Risk Officer

Team: Green Infrastructure and Sustainable Drainage

Service: Climate Action and Mitigation

Essex County Council

Internet: www.essex.gov.uk

Email: suds@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- **Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)**

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- **Flood recovery measures (including flood proofing and other building level resistance and resilience measures)**

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications '[Preparing for Floods](#)' and '[Improving the flood performance of new buildings](#)'.

- **Sustainability of the development**

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

APPENDIX 3 – ENVIRONMENT AGENCY



Avgerinos Vlachos
Uttlesford District Council
Council Offices London Road
Saffron Walden
Essex
CB11 4ER

Our ref: AE/2023/128400/02-L01
Your ref: UTT/23/0976/FUL
Date: 02 August 2023

Dear Avgerinos

DEMOLITION OF EXISTING BUILDING CONTAINING 7 NO. 2-BED ALMSHOUSE UNITS. CONSTRUCTION OF NEW TWOSTOREY BUILDING, CONTAINING 16 NO. ALMSHOUSE UNITS IN A MIXTURE OF 1 AND 2 BED FLATS. ASSOCIATED BIN STORE, CAR AND CYCLE PARKING, AND LANDSCAPING. REPLACEMENT OF PART OF THE RIVER SLADE CULVERT.

KING EDWARD VI ALMSHOUSES ABBEY LANE SAFFRON WALDEN

Thank you for your consultation dated 11 July 2023. We have reviewed the documents as submitted and we are in a position to remove our holding objection. We have no objections to this application. More information on flood risk and advice for the applicant is available below.

Flood Risk

We have reviewed the revised Flood Risk Assessment (FRA) prepared by EPS, reference UK18.4109, dated 3rd July 2023. The FRA suitably demonstrates that there will be no net loss of flood storage resulting from the proposed development and we can now remove our objection.

We have no objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted FRA are adhered to.

In particular, the FRA recommends that:

- Finished floor levels will be set no lower than 48.65m AOD
- Flood resilient measures will be incorporated up to a minimum of 450mm above the finished floor level

Advice to applicant

Flood Resilience Measures

Any proposed flood resistance or resilience measures should follow current

Environment Agency
Iceni House Cobham Road, Ipswich, IP3 9JD.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
Cont/d..

Government Guidance. For more information on flood resilience techniques, please see the Department for Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings – Flood Resilient Construction, 2007", which is available on the following website: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

Flood Risk Activity Permits

Under the terms of the Environmental Permitting Regulations (EPR), a permit will be required from the Environment Agency for the proposed replacement of this section of the River Slade Town Centre Culvert and for any other works under, over or within 8 metres of the culvert, which is designated a 'main river'.

Information on how to apply for a permit and application forms can be found on our website at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>
Any application for a permit should be submitted to the following email address: PSO.EastAnglia@environment-agency.gov.uk

Anyone carrying out a flood risk activity without a permit where one is required, is breaking the law.

Yours sincerely

Mr Giles Ward
Planning Officer

Direct e-mail planning.eastanglia@environment-agency.gov.uk

End

From: EastAnglia, Planning

Sent: Thursday, September 21, 2023 12:09 PM

To: Avgerinos Vlachos

Subject: [External] >> RE: Clarification - UTT/23/0976/FUL (King Edward Vi Almshouses, Saffron Walden) Your refs: AE/2023/128400/01-L01, AE/2023/128400/02-L01

Good Afternoon,

My apologies for the delay in responding to you on the below. Thanks for your follow up questions. Please see our response below.

This section of the culvert will be more accessible for maintenance and the building will no longer be positioned on it. This will also help structurally. Blockages associated with the Town Centre culvert are known to cause flooding, so there will be betterment by replacing this section as the risk of collapse or failure would be greatly reduced over the existing. It will not eliminate flood risk to Saffron Walden as this will only replace one section of the town centre culvert and there are still other sections where blockages could occur.

However it will likely have flood risk benefit and will be an improvement on the existing culvert in this section. As this is only replacing a section of the culvert we would want to make sure that it properly ties in to the existing culvert sections at each end – we would need to permit the works so the detail of the installation etc can be assessed and agreed.

In summary we are in favour of replacing the culvert section as it will provide betterment but it will not eliminate flood risk altogether.

We hope this is helpful but please get in contact if you need any more information.

Regards
Giles

APPENDIX 4 – CANAL AND RIVER TRUST

From: National Planning Function

Sent: Wednesday, September 20, 2023 5:25 PM

To: Avgerinos Vlachos

Subject: [External] >> RE: [CASE:1139452] Consultation response - Our ref UTT/23/0976/FUL (King Edward VI Almshouses)

Good afternoon

Thank you for your enquiry regarding planning application UTT/23/0976/FUL.

We do not appear to have any record of receiving this consultation from you in the first instance.

The Canal & River Trust is a statutory consultee in Article 18 and Schedule 4 Paragraph z(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The current notified area applicable to consultations with us, in our capacity as a Statutory Consultee was issued to Local Planning Authorities in March 2023 for use from 1 April 2023. It comprises three zones that relate to notifications for different types and scales of proposed development.

This application falls outside the notified area for its application scale and location and there is no requirement for you to consult us in our capacity as a Statutory Consultee.

We are happy to comment on particular applications that fall outside the notified areas where there are relevant circumstances. If you would like the Canal & River Trust's comments in this case or any other, please clarify the reason for your consultation when you send it.

Should you have any queries in relation to any consultation or notification of the Canal & River Trust on planning applications, please email us at planning@canalrivertrust.org.uk

Regards,

Victoria

Victoria Johnson

Planning and Data Support Technician

My working hours are Wednesday, Thursday 8:00-16:30 and Friday 8:00-16:00

