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12/11/2018

For the attention of
Alan Ward
Chase New Homes
Jasmine House
8 Parkway
Welwyn Garden City
AL8 6HG

Dawn French
Chief Executive
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

Dear Mr Ward Ms French,

I write regarding the Indicative Layout proposed by Chase New Homes for the Walden School site, as made publicly available at the site and online.

We note that the Indicative Layout is not a formal planning application, nonetheless we would like to take the consultation as an opportunity to outline an analysis of the Planning Policies relevant to the site.

Uttlesford Local Plan 2005

1. The Uttlesford Local Plan is the principal planning document affecting the proposed development of land forming part of the former Walden School. Two planning policies are particularly relevant, and these are clearly identified on the Plan Policy Map accompanying the Local Plan. All of the land on which Chase Homes are proposing to build housing is protected from development either by Policy LC1, in the case of the sports fields, or by Policy ENV3, in the case of the south-eastern part of the site.
2. Policy LC1 provides an absolute prohibition on development "*if it would involve the loss of sports fields or other open space for recreation, including allotments*". Exceptions are

only permitted if "*Replacement facilities will be provided that better meet local recreational needs*" or "*the need for the facility no longer exists*".

3. Immediately before Policy LC1, paragraph 7.2 of the Local Plan sets out the background to the policy. In particular:
 - a. it notes that there was then already a deficiency in the number of playing pitches (this deficiency was very clearly confirmed in the UDC 2012 Open Spaces document and has worsened since 2005).
 - b. it notes that Policy LC1 applies "*whether the facilities are still in active use or whether through ownership, for example, this is now prevented*"; and
 - c. Finally, paragraph 7.2 specifically requires that "*if replacement facilities are proposed these must be at least as good as those lost in terms of location, quantity, quality and management arrangements*". At their presentation to the Town Council, Chase Homes stated that they were not proposing to provide any replacement facilities.
4. We also note paragraph 7.8 of the Local Plan which states that "*Saffron Walden has a longstanding problem of inadequate provision of playing fields and does not meet the National Playing Fields Association standards.*" This inadequate provision has worsened, and there is a clear need for these facilities.
5. It is clear to us therefore that Policy LC1 requires that the existing playing fields should be retained or that any replacement must be at least as good in quantity as well as quality. The current proposal to build on the playing fields is directly contrary to Policy LC1 and it should therefore be refused.
6. That part of the former Walden School site which is not protected playing fields constitutes "*protected open space for environmental purposes*". There is further planning policy providing that the latter spaces should also not be developed - they are protected by Policy ENV3 which provides that "*development proposals will not be permitted unless the need for the development outweighs their amenity value*". The notes in paragraphs 5.5 and 5.6 make it clear that this is not a situation where there can be said to be a need for development. We note also that the UDC 2012 Open Spaces document also identifies a large deficit of all forms of green space in Saffron Walden, including the sort of space covered by policy ENV3 and constituting the south-eastern part of the former Friends School site.

National Planning Policy

7. The NPPF is a material consideration. It provides very similar policy protection to that provided by the Local Plan policies LC1 and ENV3. In addition, it goes further and provides specific policy protection for community facilities, including for example the sports hall and the swimming pool forming part of the former Walden School site.
8. We note paragraphs 83, 91, 92 and 97, which reproduce and extend paragraphs 70 and 74 of the 2013 NPPF.
9. Paragraph 92 provides: "*planning policies and decisions should:*
 - (a) *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*

(c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs"

10. In this case we are talking about a planning decision. Paragraph 92 specifically provides that the planning decision should guard against the loss of any of the sports or other facilities associated with the site.
11. Paragraph 83(d) specifically repeats the requirements of paragraph 92(c).
12. Paragraph 91(c) repeats the requirement for planning decisions to support the provision of, inter alia, sports facilities and green infrastructure.
13. Paragraph 97 of the NPPF provides: "*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
 - (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - (c) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."*
14. We don't see how para 97 could be any clearer. It covers all forms of sports and recreational buildings as well as open space; it is clear they should not be built on and the only exception is where an assessment has been undertaken which shows they are similar to requirements or where equivalent or better provision is to be provided. Neither has been done.
15. The NPPF definition of Open Space includes all forms of open space, and therefore protects both the land subject to Policy LC1 and the land subject to policy ENV3.

Conclusion

16. The proposed development is directly contrary to the relevant specific Local Plan and NPPF policies applying to the former Walden School site. The evidence base compiled by UDC shows that there is already a lack of all forms of open space in Uttlesford, and particularly so in Saffron Walden, even including the former Walden School site.
17. The application, once submitted, should therefore be rejected by Uttlesford District Council and we will be requesting that they do so.
18. This letter should be considered an integral part of any community engagement undertaken by Chase Homes in relation to the proposed development at the Friends School and should therefore be a material consideration in any subsequent planning application (yet to be submitted).

Yours sincerely

Lisa Courtney

Town Clerk

