

**STATEMENT OF CASE FOR SAFFRON WALDEN TOWN COUNCIL AND SEWARDS END PARISH COUNCIL**

**APPEAL APP/C1570/W/22/3296426 AGAINST REFUSAL OF PLANNING PERMISSION APPLICATION UTT/21/2509/OP FOR 233 homes at Radwinter Road**

**APPEAL BY ROSCONN STRATEGIC LAND & T E BAKER AND S R HALL, THE EXECUTORS OF MR E C BAKER & MRS J BAKER  
AT LAND SOUTH OF (EAST OF GRIFFIN PLACE) RADWINTER ROAD, SEWARDS END, SAFFRON WALDEN, ESSEX, CB10 2NP**

**1.0 INTRODUCTION**

- 1.1 The Appeal site comprises two fields that abut the Eastern edge of the town of Saffron Walden. These are part of the Parish of Swards End and provide the green space that separates Swards End village from Saffron Walden town.
- 1.2 Planning Permission application ref UTT/21/2509/OP was refused on 18 March 2022.
- 1.3 Saffron Walden Town Council (SWTC) and Swards End Parish Council (SEPC) support the Council's reasons for refusal and will be putting forward the case against the proposals on the grounds of these and the significant environmental effects described in our previous submissions.
- 1.4 Our objections are summarised as follows:
  1. The site is outside the designated Development limits. (Local Plan S1 and S7). The reasoning for these policies is broadly consistent with NPPF. Saffron Walden is a service centre and hub for surrounding rural areas, and is subject to constraints of traffic congestion, air quality and the location of employment. Urban extensions for housing are those well-related to the principal bus and rail corridors, and in where there is a wide range of facilities that encourage journeys to be made on foot, particularly to and from work and school.
  2. In the countryside, which will be protected for its own sake, planning permission will only be given under Local Plan Policy S7 for development that needs to take place there, or is appropriate to a rural area. The different character areas have a greater or lesser capacity to accommodate development, and their character comes from the relationship between historic settlements and groups of buildings, ancient woodlands, historic lanes, field boundaries, historic parks, geology, indigenous tree and hedge species, river systems and so on. Open elevated areas with long views to ancient woodland, typical of parts of Uttlesford, are particularly sensitive. The Bran End Appeal SWTC SEPC Appendix A3.4 Pages 3 and 4 are material.

**Sustainability**

3. The site is within the parish of Swards End, a small settlement with approximately 190 houses. Development of the scale proposed would be disproportionate to the scale of the existing settlement.
4. The proposal is not within a sustainable location and it lacks sustainable connection. Under NPPF 87 it triggers policies using a sequential approach for the location of development and less problematic sites are already allocated within the Development

Plan and the Emerging Neighbourhood Plan, including sites which are better connected to the town centre.

5. Local Plan Policy GEN1 requires development to be accessible to services and facilities, reflecting NPPF 79, 104 and 105. The submitted drawing *Layout of Proposed Development* shows that there are no connections other than onto the busy narrow Radwinter Road, and none to the adjoining housing. The majority of trips would be undertaken by car; the alternative comprises distant, indirect route or unlit routes (depending whether there is access onto the adjoining housing or not), slopes and poor accessibility to the town centre.
6. The town centre is well beyond the typical 10 minute walking distances and the indirect route proposed does not comply with the *Building for a Healthy Life* (especially pages 14-20) and *Manual for Streets* criteria of a *walkable neighbourhood* (including paragraphs MfS 4.4.1, 4.4.2 and 6.3.6). The indirect route proposed on the *Layout of Proposed Development*, using Radwinter Road, does not provide a comfortable walking environment and would not provide the *healthy, inclusive and safe places* sought in NPPF 92;
7. The layout of the Site is dominated by underground safety buffer zones (see Constraints Maps in SWTC SEPC Appendix A1.1 and *Constraints and Opportunities Plan*), making connections across the site difficult and resulting in an uncharacteristic group of housing islands which appear to have little connectivity for service and emergency vehicles;
8. The proposed development abuts onto a group of recent housing development sites but lacks the necessary assessment of Cumulative impacts required under Local Plan GEN6 (infrastructure), para 3.7 (traffic) and NPPF111. The other sites were allocated for housing and the reason this site has not been, should become clear during the process of the Inquiry.

### **Land Use**

9. The development involves the loss of high grade agricultural land. The Appeal Inspector for the adjacent Kier Thaxted Road site concluded '*the loss of the best and most versatile agricultural land has not been justified*' (See SWTC SEPC Appendix A3.5), and lack of justification equally applies to this site. The proposed development would reduce the viability of the remainder of the land requiring access through the Site (contrary to NPPF 97(b)). The requirements for extensive buffer zones ensure that this is not a site that can be an efficient use of a site for housing (NPPF 124 and 125). In comparison, the infrastructure does not prevent this being an efficient site for agriculture (ENV5).

### **Landscape and Countryside Impact**

10. The Local Plan Policies within Countryside aim to protect countryside for its own sake and direct development where capacity and character best accommodates it (para 2.2.8), its appearance protects or enhances character (such as paras 5.9, 5.10 and 5.13) or there are special reasons why the specific form proposed needs to be there (Policy S7). These policies are broadly consistent with NPPF.

11. The development involves the loss of openness and loss of significant characteristics of the fields and of identified countryside and landscape qualities. It also involves the loss of intrinsic character and beauty and the significant role of the Appeal Site's fields in separating the settlements.
12. The open fields provide a good example of the most important characteristics identified of the character area A1 Cam River Valley.
13. The Appeals Inspector at West Street Coggeshall (SWTC SEPC Appendix A3.1) considered that it would be too narrow to just consider the appeal site. A site may be important because of its position in the landscape as part of it, and as the interactions of people and place are necessary in the perceptions of landscape, people will perceive the site in a wider context. In this case, the context is the valley of the tributary of the Cam Valley, that runs from Swards End to Saffron Walden, and is a valley and PROW heavily used for recreation, particularly by walkers and joggers. The Value taken as a group with the connected valley landscape is out of the ordinary in accordance with the Landscape Institute technical note *Assessing Landscape Value outside national designations* (2021) attached as SWTC SEPC Appendix A4.3.
14. The impact of the proposal is significant and detrimental, as the houses would be visible up the hillside viewed from the Slade Valley PROW in a context where there are no houses and instead a backdrop of field. The houses would intrude on the skyline of the Slade tributary Valley, to a greater elevation and spread than any other perceived intrusion. This would harm the elements of tranquillity and wildness, and introduce a discordant modern built element into a view that was previously only of St Mary's Church tower and the C17 Pounce Hall.
15. The introduction of houses into the green gap results in the coalescence of the settlements of Saffron Walden and Swards End. The merging, scale and location of the proposal would result in the loss of Swards End's distinct identity. As a result, the proposal would not *safeguard the character of Uttlesford's historic settlements* (para 5.1) and would not *protect the character of the village approach* (para 6.3).
16. The site is one of the highest in the locality, rising from the valley floor to the high plateau south-east of Saffron Walden. Development on the hillside is therefore prominent, especially when viewed from the PROW on the valley floor, on the northern slopes of the valley and at night. That development and light pollution would merge across the former fields and against the skyline, and there would be a marked loss of rural character and night sky as a result (GEN 5).
17. Proposals to screen development with trees do not prevent development being perceived, and do not preserve the views, night sky, character and openness of the landscape and countryside. In this case, the gentle folds of the hillside would also be obscured. The Bran End Appeal is material (SWTC SEPC Appendix A3.4).

## **Access**

18. The Local Plan strategy and policies aim to locate and design new sites that encourage modes of transport other than the car in response to specific key issues (LP paragraphs 9.3 and 9.4). The access onto the road network and the surrounding network are not capable of carrying the traffic generated by the development safely, there is insufficient

clarity about the proposed access to establish how it provides sufficient visibility to avoid compromising road safety, and whether it would meet the needs of users and needs of people with disabilities. There is conflict with the retained farm access and, as above, the distance and limited provision of alternatives ensures the development is reliant on the majority of journeys being made by car.

19. The local road network is also unsuitable for the scale of traffic associated with the number of houses proposed. To the east, Radwinter Road remains narrow, winding and rural, and it is narrowed by parking along Swards End village street. It is not suitable for significant additional traffic. To the west, it is necessary to go into the historic centre of Saffron Walden which is narrow, congested and subject to an Air Quality Management Area (AQMA). The eastern edge of the town has been subject to a disproportionate amount of new development, concentrated on the bottlenecked Radwinter Road/Thaxted Road junction within the AQMA. Likewise, it is not suitable for significant additional traffic (Local Plan para 9.3).

#### **Traffic, Travel Plan and AQMA**

20. The additional 400+ cars will have a significant and harmful impact on the local road system and environment, including to exacerbate the use of the unsuitable single track roads Cole End Lane and Redgate Lane as an unofficial by-pass. Local Plan policy paragraph 15.2 identifies significant problems with traffic specifically in Saffron Walden to the extent that '*at various times during the day the existing road system is unable to cope with the number of trips being made*'. It describes measures to be undertaken within the Local Plan period. These measures have included the AQMA and are consistent with NPPF 186.

21. The objection by the Environmental Health Consultee is material, including further concerns about inconsistent information, increased congestion and quantity of traffic at the *problem junction* of Thaxted/Radwinter Road and concerns about deliverability.

22. There are material inconsistencies in assessments of base line and impact, such as assuming connections through adjoining sites that are not deliverable and not shown on the Parameter Plan, and the assumption that the Link Road will be delivered, when the Masterplan shows it can only be accessed from one end, where it is inconsistent with the design of the access within the Appeal, and would be substandard due to the design and limited space allocated for it. The proposal for the Link Road within the Iceni letter of 2/3/2022 is not reflected and secured within the documents available so far and it is unclear how this will be adopted, managed and funded.

23. The impact on Swards End is understated, such as the Appellant's Appendix G which concludes there is no increase at R1 and does not allow for vehicles travelling in an easterly direction from the Site and those seeking to avoid the congestion in the town centre.

24. Highways proposals within Saffron Walden put forward as mitigation are not certain and robust, and they lack assessment of impact on the built environment and heritage assets. Particular concern relates to the cellars of buildings along High Street and the narrow Church Street, most of which are listed and include some of the oldest buildings in the centre of town.

25. There is cumulative impact and added risk with the existing access retained as a farm access and with the added vehicle, cycle and pedestrian movements from recent developments.
26. The key cause of excessive noise has been identified within the application as being traffic generation. Local Plan Policy ENV 11 states that noise generating development will not be permitted if it would be liable to adversely affect the reasonable occupation of noise sensitive development nearby, which would include existing and proposed houses and their amenity spaces. This is consistent with NPPF 185, and then potentially allows for a balance against need for the development, and the impact should firstly be assessed in order to realistically carry out the balancing exercise. The significant increase in noise is likely to affect both Swards End and Saffron Walden and should take into account area specific causes such as topography, narrow roads and hills, which to date has not been done.

### **Flooding**

27. Site flood evidence, photographs and topography show there is a significant risk of waterlogging and flooding. The EA Surface Water Map (SWTC SEPC Appendix A7.1) shows flooding down all the mini-valleys of this hillside, across the large field, across the meadow and along this part of Radwinter Road. This is supported by personal accounts within the public responses and photographs including within SWTC SEPC Appendix 10.1. As the scale is significant, NPPF Footnote 7 applies and precedes the tilted balance under Paragraph 11. NPPF 161 – 165 direct development in a sequential manner to those locations with least risk. Paragraph 6.4 of the Local Plan confirms this was taken into account in the 2005 LP allocations which excluded this site. NPPF 167 directs local planning authorities to ensure that flood risk is not increased elsewhere.
28. The proposed use is more vulnerable to that flooding (NPPF Footnote 7 and Annex 3). The proposed development will also increase hard surfacing and runoff.
29. The development will include changes to flow, loss of permeability and increased flow of surface water down the steep spine road/s.

### **Safety**

30. The location of the development is adjacent a major hazard site and pipelines (including COMAH and NPPF 45). There has been objection in principle from the pipeline operator on grounds that they cannot be maintained;
31. There is lack of safe access and egress from this development in the case of emergency. The frontage and the access is within the area of greatest risk (UDC Constraints Map). There are no alternatives provided in order to preserve life. The proposal is therefore not in accordance with NPPF 97.
32. The HSE Guidance and Buncefield Enquiry are relevant as they direct advice that the effects of the explosion should be considered as being 250m, subject to which direction the cloud travelled and any watercourse being located within that distance, which would potentially extend the effects. Both the proposed and existing vehicular access to this site are within 250 metres so would be out of action, and the fuel leakage would potentially spread into the site along the watercourse.

33. There is a conflict with the farm operation, as it overlaps areas being used by the residents; and retains a substandard entrance.
34. There is conflict with noise and vibration from Radwinter Road and Cumulative impacts under NPPF174 and Local Plan Policies ENV10 and ENV11.

### **Heritage**

35. The proposals do not conserve and enhance as required under the 1990 Act, Local Plan Policy ENV1, NPPF20(d) and NPPF Section 16. They do not preserve or enhance the setting or surroundings as required under the 1990 Act, ENV2 and NPPF Section 16. There is risk that the proposed unassessed highways works under S106 will fail to preserve the character and significance of the listed buildings beyond the boundaries of the Site under 1990 Act, ENV2 and NPPF Section 16.
36. The Headland Archaeological report describes an enclosure of unknown date on the eastern side of the site. It was assessed as having moderate archaeological potential. NPPF 205 complements LP Policy paragraph stating that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
37. The photographs of View SWTC SEPC 4 show limited intrusion into the river valley setting of Pounce Hall. The greater spread and height of the proposed housing above the treeline will intrude into the valley setting of the Grade I listed St Mary's Church and Grade II Pounce Hall. The relevant views for setting include side views and also views likely from the interior of the garden elevation of Pounce Hall.
38. These views are of Grade I St Marys Church, a key *heritage feature* of the Saffron Walden Conservation Area and settlement. The elevated position of the Church and notable height of its spire contribute to the significant long views and identity of the building and settlement from afar, as described within the CAA and Pevsner (SWTC SEPC Appendix A5). There is similarity with the Appeal at Poplar Hill Stowmarket (SWTC SEPC Appendix A3.3), where NPPF 199 directed that the weight given to its significance should be at the highest level, and therefore even a low level of harm could be material.
39. The Highways proposals are likely to compromise cellars and below ground structures of the adjacent houses, especially where streets are narrow. List entries are provided of those likely to be most affected and these are plotted within the CA Appraisal (SWTC SEPC Appendix A5.7).

### **Ecology**

40. The proposals do not accord with Local Plan paragraphs 12.13-12.17 which support Landscape and Countryside policies ENV7 and ENV8. These policies are comparable with NPPF 8c, 20d, 28 and Section 15.
41. The proposals do not clarify the extent of loss in order to create visibility splays. The Hedgerow Appraisal in the PEA assumes local rather than national designation (4.2.7). This is incorrect as they qualify as Important hedges, the national designation, under the Hedgerow Regulations 1997, on numerous counts (SWTC SEPC Appendix A6).
42. PEA Table 3 raises the issue of hedges that are Important but lose protection because they adjoin a dwelling. Clause 3(3) of the Hedgerow Regulations is a significant material

consideration as it would apply and potentially remove the statutory protection of the Important hedges should this Appeal succeed.

43. Bats and protected species are not robustly and transparently surveyed. According to Table 4, the bat survey was carried out at the wrong time. Despite a night-time visit at which Potential Roosting Features were recorded, the numbers and types of bats are not described and the bat roost potential of the hedgerow and hedgerow trees is not given. No reference is made to Pounce Wood, designated ancient woodland, SSSI, Local Wildlife Site and bat habitat, directly across the valley only 160 metres away.
44. Table 4 *biodiversity gain* does not take into account the likely extent of loss and the high ecological quality of Important hedges and mature habitats versus replacement.

### **Design**

45. As the application was in outline, only those elements within the Parameters Plan and principles of development have been commented on, on the basis that the detailed design will be compatible and controlled under Reserved Matters and condition.
46. There is conflict with the character of the locality due to specific site constraints, services, pipes and drainage.
47. The underground services buffer zones prevent development along the contours to nestle development into the landscape. The proposed layout, form, height, scale and spread of development across the visible hillside will exacerbate the impact of development and loss of openness. The large blocks with 4 storey frontages are not characteristic of the scale of the locality and the river valley. They would be the most prominent part of the development and viewed at a higher level than the receptor, which is likely to increase their visual dominance

### **Planning balance**

48. We will provide response to the case being put forward of a *tilted balance* and the level of *substantial weight* cited in paragraph 2.1 onwards. The Housing delivery Test and 5-year Land Supply Statement cited in para 2.3 of the Appellant's Statement of Case is over a year old.
49. The Appellant proposes Planning Obligations be provided to meet the requirements to make the development acceptable in planning terms (para 2.6). We will comment when available, but the onus is again on the developer and currently there is no assurance and mechanism in place to secure the acceptable level to deal with the identified shortcomings including of community facilities, healthcare, childcare, primary and secondary education requirements, school transport, public services, transport provision, water supply, drainage, other infrastructure and maintenance obligations that arise from the development in order to preserve the amenity of the existing communities, as required under GEN6. It would not overcome the unacceptable elements of the proposals listed above.
50. The slope of the site, location in relation to the fuel store, distance from the facilities and lack of connectivity ensures that this site is unlikely to provide the housing of greatest need, i.e. for the growing elderly population, and that treated sequentially under NPPF 87 and 88, other housing sites would be more viable, more efficient, and

more beneficial. The *substantial weight* cited by the Appellant in paragraph 2.4 does not reflect this. *Substantial weight* is being attributed by the Appellant to Affordable housing (para 2.5), but the provision is at the basic level and no more than required under policy.

## **2.0 CONCLUSION**

- 2.1 Saffron Walden Town Council and Swards End Parish Council have provided detailed comment on the unsuitability of the proposals at Scoping and application stages and will be putting these forward with supporting policy and evidence at the Inquiry. A list of Appendices is provided with this Statement and an indication of their relevance and scope is provided in the summary above.
- 2.2 Currently, as described above, there is uncertainty about the level of impact, mitigation and of Obligations being provided to contribute to shortfalls in infrastructure and facilities, and to make unacceptable elements of the application acceptable. These potentially affect the locality and residents within Saffron Walden and Swards End, so we respectfully request being also involved in this and any S106 element of the Inquiry.
- 2.3 We do not propose any specific conditions at this stage but will likewise wish to provide input when specific wording of conditions is being proposed for the Inspector to consider, including potentially against shortfalls in provision.

Saffron Walden Town Council and Swards End Parish Council

25 May 2022