

**TOWN AND COUNTRY PLANNING ACT 1990**

**SECTION 78 APPEAL**

**AGAINST THE DECISION OF UTTLESFORD DISTRICT**

**COUNCIL TO REFUSE PLANNING PERMISSION FOR**

**AN OUTLINE APPLICATION FOR THE ERECTION OF UP TO 233 RESIDENTIAL DWELLINGS  
INCLUDING AFFORDABLE HOUSING, WITH PUBLIC OPEN SPACE, LANDSCAPING AND  
SUSTAINABLE DRAINAGE SYSTEM (SUDS) AND ASSOCIATED WORKS, WITH VEHICULAR  
ACCESS POINT FROM RADWINTER ROAD, WITH ALL OTHER MATTERS RESERVED FOR  
FUTURE CONSIDERATION**

**AT LAND SOUTH OF (EAST OF GRIFFIN PLACE) RADWINTER ROAD,**

**SEWARDS END, SAFFRON WALDEN, ESSEX, CB10 2NP**

**ON BEHALF OF ROSCONN STRATEGIC LAND AND THOMAS ERIC**

**BAKER AND SALLY ROSE HALL, THE EXECUTORS OF MR E C BAKER**

**AND MRS J BAKER**

**PINS REF: APP/C1570/W/22/3296426**

**LPA REF: UTT/21/2509/OP**

**SUMMARY PROOF OF EVIDENCE OF BEN STEPHENSON BA (Hons) MA DipHistCon**

**AUGUST 2022**

## 1.0 SUMMARY PROOF OF EVIDENCE

### **Ben Stephenson BA (Hons), MA & Diploma in Historic Conservation will confirm:**

- 1.1 I hold a BA (Hons) in Archaeology, an MA in Archaeological Heritage Management and a Diploma in Historic Conservation. I am a Member of the Chartered Institute for Archaeologists and member of their Validation Committee. I am director of BSA Heritage Limited with more than 25 years' experience largely specialising in advising developers as an archaeology and heritage consultant.
- 1.2 I have produced a Proof of Evidence and related appendix to confirm the archaeological and heritage implications of proposed residential development south of Radwinter Road, on the eastern edge of Saffron Walden and the response of Uttlesford District Council's advisors on archaeology and built heritage. The Proof also addresses criticisms levelled by a Rule 6 Party.
- 1.3 The Proof of Evidence provides a summary of the pertinent legislation, policy and guidance and, in particular, the Planning (Listed Buildings and Conservation Areas) Act, 1990, the 4<sup>th</sup> edition of the National Planning Policy Framework and current Uttlesford District Council policy. A key piece of guidance is Historic England's The Setting of Heritage Assets, 2017.
- 1.4 Completion of desk based assessment and geophysical survey and the results of this work are confirmed. The only features of interest within the site are hedgerows, largely on its periphery and most of these are to be retained. Assessment of the site as not being of any intrinsic special historic landscape interest is also confirmed.

- 1.5 Initial assessment, which included consideration of the Essex Environment Record data for the site and its environs and was informed by a site walkover was that the site had low archaeological potential. However, given the extent of the site and known prehistoric and Roman sites in the vicinity, a geophysical survey was agreed with the UDC archaeology advisor and completed in 2021. This identified a likely enclosure in the north east of the site, but a likely absence of any other significant sub-surface remains within the site.
  
- 1.6 The desk based assessment and walkover survey also took in a wider area and confirmed that a small number of listed buildings lay within the study area which might be affected by change to their setting should the site be developed. These included the Grade II listed Pounce Hall, north east of the site. It was also clear that Saffron Walden's Grade I listed St. Mary's Church could be seen from the site, although the site could not be seen from the churchyard.
  
- 1.7 It is my understanding that all key heritage matters are now agreed between Uttlesford District Council (UDC) and their advisors and the Appellants. It is agreed that no heritage assets would be harmed by development of land south of Radwinter Road, confirmed in an ECC letter dated 7<sup>th</sup> December 2021. It was also agreed that further archaeological investigation to evaluate the nature of the site's remains and mitigate any harm development would cause can be secured by planning condition (letter of 17<sup>th</sup> December 2022).
  
- 1.8 Since submission of the planning application, UDC's highways advisors requested improvements be designed for the junction of High Street with Church Street in the centre of Saffron Walden to address potential additional traffic generated by the development, with suitable highways proposals now agreed in principle, subject to a planning condition.

- 1.9 Given the concentration of listed buildings and location within Saffron Walden Conservation Area at the junction, these proposals have now also been considered in relation to their effect on the character and appearance of the conservation area and significance of listed buildings.
- 1.10 It is concluded that the highways proposals for the Church Street and High Street junction would have a less than substantial adverse effect at the very lowest end of a notional spectrum on the significance of the closest listed buildings and that part of the conservation area which would need to be considered as part of a planning decision.
- 1.11 Despite in principle agreement between the Appellants and UDC on heritage grounds, the Rule 6 Party Statement of Case has criticised the proposals on several heritage or archaeological grounds. However, I have considered all issues raised and do not agree with their contentions, including harm to listed buildings' cellars due to proposed changes at the High Street and Church Street junction, harm to the parish church and Pounce Hall due to development at the site and an approach to archaeology which does not accord with the NPPF. The response of the Council's archaeological and heritage advisors would also support this conclusion.
- 1.12 A number of listed buildings including the Grade II\* listed No. 21 High Street would have their immediate setting changed by the erection of traffic lights at the High Street and Church Street junction as would this part of the town's conservation area, but the area is already influenced by modern signage on posts and road markings.

- 1.13 Changes to street furniture are unlikely to be perceived as a change to the setting of listed structures or the character and appearance of the conservation area as it would not be necessary to erect posts which obscure key features and inter-visibility between buildings and along streets would not be interrupted.
- 1.14 The traffic lights themselves will be a new element assessed to represent less than substantial harm to the significance of the closest listed buildings given this clearly modern installation at the lowest end of a notional spectrum of harm. The proposals are also designed to improve traffic flows and they have been agreed by the UDC highways advisor. Improved traffic flows would benefit appreciation of the significance of the junction's listed buildings and to the character and appearance of this part of the conservation area, if not more widely. Structural survey also confirms proposals would not harm the fabric of the area's listed buildings.
- 1.15 I conclude that land south of Radwinter Road could be developed in accordance with heritage legislation, policy and guidance. Limited harm to designated heritage may result from associated highways changes in the centre of Saffron Walden and these would need to be weighed against scheme benefits.
- 1.16 UDC has agreed draft planning conditions for the proposals and the Rule 6 Party has not substantiated any claimed harm that would arise from the granting of planning permission other than the junction element. The very limited impact of the development on heritage would be minimised through scheme design and planning conditions, in accordance with current best practice and policy.