

## Goddards Yard, Thaxted Road, Saffron Walden

### Development Control, item 6

**Committee:** Development Control

**Agenda Item**

**Date:** 1 November 2006

**6**

**Title:** Planning Application ref. UTT/0284/05/OP:  
Demolition of existing buildings & change of  
use of land from industrial to residential.  
Erection of a minimum of 12 dwellings -  
Goddards Yard, Thaxted Road, Saffron  
Walden

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Item for  
decision

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### Summary

This item seeks Members authorisation to refuse the above outline planning application, as the applicant has failed to enter into the required Section 106 agreement following the resolution to grant planning permission.

### Recommendations

That application UTT/0284/05/OP be refused for the following reasons:

The applicant has failed to complete a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure financial contributions towards the provision of secondary school places in the Uttlesford District, and the Saffron Walden Town Centre Improvement Scheme.

The development of this site with a minimum of twelve dwellings is likely to generate additional demand for school places, and without a contribution towards providing additional places, would place unacceptable pressure on education provision at the District's secondary schools. In the absence of a financial contribution, the proposal would be contrary to ERSP Policy BE5 (Planning Obligations), ULP Policy GEN6 (Infrastructure Provision to Support Development) and adopted Supplementary Planning Guidance 'Developer Contribution Guidelines'.

There are identified shortfalls in the traffic management and circulation around the town centre, and any additional properties constructed in the town would generate more use of the existing facilities, but also exacerbate existing traffic management problems. The Saffron Walden Town Centre Improvement Scheme arose from commissioned research which identified the need for works to improve the traffic management in the town. The project has been developed alongside Essex County Council as highway authority, and following public consultation. The Improvement Scheme was adopted by the Council Environment Committee on 6 June 2006. The failure to make a financial contribution towards the Improvement Scheme would be contrary to advice contained in Circular 05/2005 ('Planning Obligations'), Structure Plan Policies BE5, TCR3 (Town Centres) & T11 (Traffic Management), and Uttlesford Local Plan Policy GEN6.

### Background Papers

Planning application file UTT/0284/05/OP, including the report to the Development Control Committee meeting on 18 April 2005.

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#### Impact

Communication/Consultation	Public consultation was undertaken on the original planning application UTT/0284.05/OP.
Community Safety	None. The failure to build on this site poses no risks to the community.
Equalities	Other developments in the town have contributed to the Improvement scheme.
Finance	The Council would need to pursue the costs of the abortive legal work on the Section 106 to date.
Human Rights	None
Legal implications	None
Ward-specific impacts	Saffron Walden Shire
Workforce/Workplace	None

#### Situation

- 1 At the Development Control Committee meeting on 18 April 2005, Members resolved to grant outline planning permission for the demolition of existing buildings on this commercial site and their replacement with a minimum of twelve dwellings. The resolution was subject to conditions and a Section 106 legal agreement for financial contributions towards the provision of secondary school places, and £30,000 towards the Saffron Walden Town Centre Improvement Scheme.
- 2 Following the resolution, the applicant's agent challenged the validity of imposing the requirement for the financial contribution towards the Saffron Walden Scheme, and there has been protracted correspondence between the agent and the Council's planning and legal officers, and officers of Essex County Council transportation department.
- 3 The issue has not been resolved through this correspondence, and the Section 106 remains unsigned.
- 4 The environment working group of the Saffron Walden Healthcheck, which was a piece of research and consultation completed in 2004, identified the need for works to improve the traffic management in the town. Following that work, the Saffron Walden Initiative (a local community group) commissioned a local architect to prepare a costed scheme of improvements. There has been public consultation on the proposals, including consultation with over 50 local businesses. The project has been developed alongside Essex County Council as highway authority, resulting in the requests for financial contributions in response to planning application consultations. The Environment Committee formally adopted the commissioned plans at its meeting on 6 June 2006, and as such it is now Council policy
- 5 In the absence of the applicant entering into a legal agreement to make a financial contribution towards the project and school places, the application should now be refused for the reasons outlined in the recommendation above.

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- 6 A copy of the original report to the Development Control Committee is attached. Reference to the financial contribution is not included in the report, but as a late representation it was reported verbally at the meeting. The recommendation from Essex County Council is also attached.

### Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
That the residential development is not built	medium	low	The site is part of a larger residential allocation in the ULP. Developed at a density of 30dph, it would accommodate 12 units, and failure to develop this site would not unacceptably harm the Council's housing strategy.
That the applicant appeals the refusal of planning permission	high	low	The Environment Committee has endorsed the Saffron Walden Improvement Scheme, and it is reasonable that the Council should support County Council requests for funding towards the project. This would be a defensible case at appeal.