

**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 2.00 pm on 7 MARCH 2012**

Present:- Councillor J Cheetham – Chairman.  
Councillors C Cant, J Davey, K Eden, E Godwin, E Hicks, J  
Loughlin, K Mackman, D Perry, V Ranger, J Salmon and L Wells.

Officers in attendance:- N Brown (Development Manager); K Benjafield (Senior  
Planning Officer), M Cox (Democratic Services Officer), M Perry  
(Assistant Chief Executive - Legal), A Taylor (Assistant Director  
Planning and Building Control) and C Theobald (Planning Officer).

PC61 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors R Eastham and L Wells.

Members declared the following personal interests:-

Councillors Perry and Eden in agenda item 5 as a member of Saffron  
Walden Town Council.

Councillor Cheetham in application 1952/11/FUL Great Hallingbury as she  
knew children who attend the school.

Councillor Davey in application 1928/11/REN Great Dunmow as a member  
of Great Dunmow Town Council.

PC62 **MINUTES**

The Minutes of the meeting held on 8 February 2012 were received, confirmed  
and signed by the Chairman as a correct record.

PC63 **PLANNING APPLICATIONS**

**(a) Approvals**

RESOLVED that the following applications be approved.

**2193/11/FUL Great Easton** – retrospective application for new workshop,  
showroom and offices – Brown’s Garage, Dunmow Road for P & A Wood for S.  
Moran Architecture.

*Trevor Dodkins spoke in support of the application.*

**1952/11/FUL Great Hallingbury** – erection of classroom block – Howe Green  
House School for Howe Green House School.

Subject to a revision to condition 4 to remove the word ‘completion’.

*Mr Gorton spoke in support of the application.*

**(b) Planning Agreements**

**1928/11/REN Great Dunmow** -Renewal of planning application 1850/06/FUL extensions of existing Class A1 retail store, alterations to existing car park – Tesco Store, Stortford Road for Tesco Stores.

Subject to revision to Condition 9 to read:

“There shall be no pharmacy, Post Office, optician, dry cleaners (including agency) or hairdressers/beauty salon on the premises”

RESOLVED that conditional approval be granted for the above application subject to a s106 legal obligation

- 1) The applicant be informed that the committee gives delegated powers to the Assistant Director Planning and Building Control in his discretion to refuse planning permission for the reasons set out in paragraph (III) unless before 6 months the freehold owner(s) enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:
  - i) financial contributions towards improvements to cycle way and signal crossing in the vicinity of the site, improvements to bus infrastructure on the 312/313 route north of the site, improvements to the bus stops adjacent to the store on the site and footway/access improvements and improvements to the 17/18 bus service to the south of the site.
  - ii) travel plan monitoring fee
  - iii) pay the Council's reasonable costs.
- 2) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant planning permission subject to the conditions set out below:
- 3) If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:
  - i) lack of financial contribution in relation to highway improvement works to the cycle way and signal crossing in the vicinity, improvements to bus infrastructure on the 312/313 route, improvements to the bus stops adjacent to the store and footway/access improvements and improvements to the 17/18 bus service.

Subject to updating the relevant bus routes set out above.

Subject to the conditions set out in the agenda report and a revision to condition 9 to include the agency element to the dry cleaners

*Louise Ford spoke in support of the application.*

(c) **Site visit**

RESOLVED that the Committee visit the site of the following application on 4 April 2012

**2524/11/FUL Arkesden** – change of use from agricultural land to domestic gardens – Waterbridge to Long Thatches for owners of properties Waterbridge to Long Thatches.

Reason: to consider the impact of the proposal on the character and appearance of the countryside.

*Steve Coultman and Charlotte Turner spoke in support of the application*

PC64

**APPLICATION UTT/0400/09/OP AND UTT/0407/09/OP DEVELOPMENT AT LITTLE WALDEN ROAD AND ASHDON ROAD SAFFRON WALDEN**

The Committee was informed that these applications had been granted in June 2010 and negotiations on the section 106 agreement had followed. The 2 sites were to be linked and to be developed in tandem but delays had occurred as there was an oil pipe line passing under the site at Little Walden Road and wayleaves needed to be negotiated. As a part of the discussions, the applicants had reviewed the conditions and suggested some minor amendments.

The Committee noted the revised conditions set out in the report and a further amendment to condition 24 on the Little Walden Road application that the football pitches should be made available for use within '6 months of the occupation of the 100<sup>th</sup> dwelling.' These amendments were considered to be acceptable.

Lisa Skinner spoke to the Committee and said that she hoped the requested amendments would make the conditions clearer.

RESOLVED that the Committee agree the change of wording of the conditions for applications UTT/0400/09/OP and UTT/0407/09/OP at little Walden Road and Ashdon Road, Saffron Walden.

PC65

**APPLICATION TO DELETE CLAUSE 4.1.3 OF SUPPLEMENTARY SECTION 106 AGREEMENT -44 RANULF ROAD OAKWOOD PARK FLITCH GREEN**

A request has been received from the owners of 44 Ranulf Road, Oakwood Park to delete Clause 4.1.3 of a supplemental Section 106 agreement ( June 2006) as it related to their property. This was a low cost open market house, and the clause required subsequent transfers to be at 90% of the achievable market value.

The owner of the property had stated that they had not been informed by either the developer or their solicitors about Clause 4.1.3 when they purchased the property. The price they paid had reflected the basic standard of the house and

they had subsequently made many improvements. They now anticipated losing money on the house. They had also commented that promised local facilities (doctors' surgery, general shop, pub etc) have not materialised.

The Committee considered the applicant's case but didn't consider the reasons to be sufficient to delete the clause. The 106 agreement was a registered land charge and should have been picked up by the solicitors acting for the applicants at the time of purchase and was not an issue for the council. The applicants would have been aware of the state of the property when they had put in the offer and if, as a result of the improvements, the value of the house had increased, clause 4.1.3 would still allow the applicants to receive 90% of the increased value. The absence of local facilities was a separate issue, and the subject of separate planning applications which were yet to be determined by the Council.

The Committee was given details of Government advice on the provision of low cost market housing and the number of affordable houses that were required in the District and agreed that it would prejudice the Council's affordable housing strategy if this house was removed from the affordable housing stock. It was noted that the Parish Council supported the retention of this clause.

RESOLVED that the supplemental Section 106 agreement dated 1st June 2006 between the Council, George Wimpey East London Limited and Enodis Property Developments Limited should continue to have effect without modification as it relates to 44 Ranulf Road, Oakwood Park, Flitch Green. The reason is that the deletion of the clause would prejudice the supply of affordable housing in the district contrary to Government advice and adopted Council policy.

PC66

## **APPEAL DECISIONS**

The Committee noted details of the appeal decisions that had been received since the last meeting.

The meeting ended at 3.30pm.