

**Committee:** Planning Committee

**Date:**22.11.23

**Title:** Land East of Thaxted Road Saffron Walden  
(UTT/19/2838/DOV)

**Report Author:** Maria Shoesmith, Strategic Team Leader

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## Summary

1. Planning permission was granted for outline consent (UTT/18/0824/OP) development of up to 150 dwellings (Use Class C3) with all matters reserved except access at the above site. Reserved matters were later approved at appeal under reference UTT/19/2355/DFO. As part of the outline planning permission a Section 106 Obligation was secured which included the following:
  - (i) Submission of Residential travel plan
  - (ii) Payment of monies relating to travel plan monitoring
  - (iii) Highway Works (as specified in paragraph 11.160 of the main report)
  - (iv) Education Contribution
  - (v) NHS contribution
  - (iv) 40% Affordable Housing & 5% to be wheelchair accessible
  - (vi) Provision of Open Space
  - (vii) Contribution towards the maintenance of open space for 5 years if the land is to be maintained by Town Council
  - (viii) Contribution towards the provision of community facilities in Saffron Walden
  
2. A Deed of Variation has been submitted seeking the following amendments;
  - a) **Affordable Housing** change in mix;
  - b) Bus Service Contribution clause amendment to allow the contribution to be spent on Bus Service Enhancement **and/or the improvement of existing bus services on Thaxted Road**
  - c) **Community Facilities Contribution** clause to be added, to provide a trigger and allow flexibility as to where SWTC spend the contribution in Saffron Walden
  - d) **Mortgagee in Possession**
  - e) **Contribution for Recreation** clause to be added and to provide a trigger
  
3. **Recommendations**
  - 3.1 Approve Deed of Variation and amendments proposed.
  
4. **Financial Implications**

**4.1** No direct financial implications upon UDC. The proposed amendments would improve the current position regarding providing contributions to both ECC and Saffron Walden Town Council allowing them to spend those contributions appropriately.

**5. Background Papers**

**5.1** The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

**6. Impact**

Communication/ Consultation	There have been discussions with the relevant bodies. This includes Housing, Highways, and Saffron Walden Town Council.
Community Safety	N/A
Equalities	<p>The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.</p> <p>The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</p> <p>Due consideration has been made to The Equality Act 2010 during the assessment</p>

	of the planning application, no conflicts are raised.
Health and Safety	N/A
Human Rights/Legal Implications	There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.
Sustainability	Allows better use of contributions by Essex Highways and Saffron Walden Town Council, in turn making the Town more accessible.
Ward-specific impacts	Allows better use of contributions by Essex Highways and Saffron Walden Town Council, in turn making the Town more accessible.
Workforce/Work place	N/A

## 7. Situation

A Deed of Variation has been submitted seeking the following amendments;

### 7.1 Affordable Housing

Original approved mix:

	1 bed	2 bed	3 bed	4 bed	Totals
Affordable Rented	3	17	16	3	39
Shared Ownership	0	11	7	1	19
<i>Sub Total</i>	3	28	23	4	58
Affordable Rented (bungalows)	0	1			1
Shared Ownership (bungalows)	0	1			1
<i>Sub Total</i>	0	2	0	0	2
<b>Grand Total</b>	<b>3</b>	<b>30</b>	<b>23</b>	<b>4</b>	<b>60</b>

Proposed amendments to mix:

Type	Affordable Rent	Shared Ownership
1 bedroom apartment	4	0
2 bedroom house	22	8
2 bedroom bungalow	4	0
3 bedroom house	11	9
4 bedroom house	1	1
<b>Totals</b>	<b>42</b>	<b>18</b>

There is no objection from the Housing Officer on the mix of units.

## 7.2 Bus Ready

7.2.1 The S106 seeks *"To make the Land Bus Ready before first Occupation of the fiftieth (50th) Housing Unit and ensure that it remains Bus Ready until the Spine Road is completed to the Spine Road Connection point"*

'Bus Ready' is defined at 1.16 as; *"the Land is able to accommodate the Bus Service entering and leaving the Land from Thaxted Road and leaving in forward gear to the reasonable satisfaction of ECC."*

7.2.2 An amendment to this clause was sought due to the progression of the development on the applictaion site and the delay in the northern middle site coming forward by Redrow. It was initially sought that the clause is deleted as the site becoming bus ready depended on when

the spine road is fully completed on all three development sites in this area (this includes the subject site, also the Linden Homes (Vistry) and Redrow sites to the north) to be able to get a bus service through all of the sites. It was also sought that the bus service enhancement contribution of £420, 000 is used in the meantime to improve the services on Thaxted Road until such time that the land to the north has come forward and the two sites are connected and the bus service can operate across the two sites.

**7.2.3** The Town Council had initially objected on deletion of the 'Bus Ready' clause and wanted a service to go through the site regardless of the neighbouring site coming forward and had discussed the provision of a 'hoppa' bus. However, through further consideration of this and discussions with ECC Highways this was not possible as the turning table provision for this would scupper the developing out of the site when the Redrow site is delayed and was nowhere to be seen at the time. Talks with ECC Highways had highlighted the following;

**7.2.4** *"ECC is looking at recasting the bus network in Saffron Walden (and Dunmow) to make them more attractive and to more suitably serve the needs of these two towns and indeed their hinterlands. This will mean we will need to pool existing ECC bus contract funding with the various S106 monies that are available and/or on the way in order to achieve a holistic outcome that is significantly better than the individual parts. Provision of a hoppa service in the short term however would take monies away from the collective pot that we are seeking to build up to spend more appropriately – thus putting the holistic plan further away from realisation and would therefore we believe be counter-productive holistically.*

**7.2.5** *As it would not be appropriate to provide a turning facility larger than that needed for a hoppa bus service, ECC would prefer in the short term, to look to pick up passengers on Thaxted Road, where enhanced bus stop facilities should be provided. One of the key reasons is that we will need the service to the site to play its part in earning revenue and serving the needs of other passengers beyond the immediate site boundaries, if we are to have a serious chance of making the service commercially viable in due course. Put simply a 16 seater purely running between the development and the Town Centre/Audley End Station for example would be unlikely to have sufficient revenue earning potential to lead it towards commercial viability – and would hold little attraction for existing residents of the town – save for the section between the Town Centre and the station, which is already provided and that the desired enhancement can be better served in other ways.*

**7.2.6** *We are considering whether the regular service from Dunmow would better serve the needs of both towns if it were (at least in peak times) also to be extended up to the Chesterford Research Park, in order to provide new linkages to this key employment area and at the same*

*time begin to address Saffron Walden Town Council's aspirations to serve Little Walden better. We recognise that Saffron Walden Town Council are seeking improvements to the way in which services between the town centre and Audley End Station operate. We believe we have a way of achieving this."*

- 7.2.7** Further comments from ECC Transport states *"In essence, the more cards we have in our hand, the more able we are to provide a future network that more appropriately suits the town's needs and aspirations.*
- 7.2.8** *Most of the services in Saffron Walden are operated under contract to ECC and as such we are able to adapt these at appropriate times within the route tendering process as well as potentially introducing new services. In order to provide additional / better provision, we need additional funding – which is most likely to come from s106 contributions.*
- 7.2.9** *I see the way forward as us seeking to pool existing bus budgets with the new s106 monies to support a recasting of the local network. Given the potential level of monies available, we need to take a more holistic view of the town and interurban network and determine what can be achieved.*
- 7.2.10** *It will of course be beneficial for all, if Saffron Walden Town Council and Uttlesford District, feel able to support and facilitate this aspiration. We have seen from the recent SW Neighbourhood Plan a number of ways in which the town council feel that the bus network could be improved – we can seek to do a number of these things, as and when additional funding (s106) becomes available.*
- 7.2.11** *So, in summary, we need UDC/SWTC 'buy in' to the plan. We then need concerted effort by UDC to secure additional funding through s106 agreements. When we know what monies are available (and broadly when they will materialise), we can seek to develop a revised wider network. We can proceed on an ad-hoc basis, using what we already have / know about, but a more holistic approach would overall have a better opportunity of addressing local transport needs and improve accessibility – which I think is what we all would like to achieve."*
- 7.2.12** Whilst ECC are happy for the diversion of the bus money but still want provision of bus stops, raised and dropped kerbs at suitable locations along their bit of the spine road.
- 7.2.13** Since the submission of the request for a Deed of Variation in November 2019 the Middle site (Redrow) to the north of the Bellway site has come forward with the reserved matters being approved and commitment has been secured for the development and provision of

the link road connections between the two sites. Redrow are now in the process of discharging planning conditions following delays. As a result, this Deed of Variation now seeks to retain the Bus Ready clause and request that the Bus Service

**7.2.14** Contribution clauses is amended from; *“Bus Service Contribution shall mean the sum of £420,000 (four hundred and twenty thousand pounds) index Linked from the date of the Permission to the date of payment to be applied to the Bus Enhancement and no other purpose.”*

**7.2.15** To now read; “Bus Service Contribution” shall mean the sum of £420,000 (four hundred and twenty thousand pounds) Index Linked from the date of the Permission to the date of payment to be applied to the Bus Service Enhancement **and/or the improvement of existing bus services on Thaxted Road.**”

**7.2.16** For clarity the Bus Enhancement definition is the provision of a bus service into the Development to provide an hourly off peak service (being Monday – Friday 09.00 to 1600 and Saturday 10.00-12.00 or such other times agreed between ECC and the Owners or) and an enhanced half hourly service in peak periods (being Monday – Friday 07.00-09.00 and 16.00-18.00 or such other times agreed between ECC and the Owners) from and to the Development and the town centre of Saffron Walden and Audley End Railway Station for a period of up to five (5) years (in either case, "the Bus Service")

**7.2.17** Based on the advice and discussions with the Town Council and Highways this is considered to be acceptable.

### **7.3 Community Facilities Contribution**

**7.3.1** The Saffron Walden Community Facilities Contribution is currently defined as *“the sum of £122,330 one hundred and twenty two thousand three hundred and thirty pounds, Index Linked from the date of the Permission to the date of payment to be applied towards the provision of a community centre by Saffron Walden town council on land west of Little Walden Road, Saffron Walden”*. It is proposed that the clause is amended to delete the reference to “land west of Little Walden Road, Saffron Walden” to broaden the clause to allow the Town Council to spend the money anywhere in Saffron Walden. Also, forming part of this clause a contribution towards the provision of sports and recreation facilities for £61,307.

**7.3.2** The existing clause also does not have a trigger for these monies to be paid and it is proposed that this is amended to provide a requirement and trigger for payment *“50% is paid on the occupation of the 50th dwelling and 50% is paid on occupation of the 100th dwelling.”*

**7.3.3** The Town Council welcome the amendments to this clause. However,

they had initially wanted all of the contribution on implementation. Regardless of this the development has significantly progressed and has already reached one of the trigger points. This has been discussed directly with the Town Council of which they have not raised any concerns.

**7.4 Mortgagee in Possession**

**7.4.1** The Registered Provider that is seeking to acquire and provide the affordable housing units on site is seeking changes to the Mortgagee in Possession clauses. These changes are standard and have been done on other affordable housing clauses on different sites.

**8. Risk Analysis**

**8.1** None to minimal

Risk	Likelihood	Impact	Mitigating actions
2	1	1	2

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.