

**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 2.00 pm on 20 NOVEMBER 2013**

Present: Councillor J Cheetham – Chairman.
Councillors C Cant, J Davey, R Eastham, K Eden, E Godwin, E
Hicks, K Mackman, J Menell, D Perry, V Ranger and J Salmon.

Officers in attendance: N Brown (Development Manager), M Cox
(Democratic Services Officer), K Denmark (Development
Management Team Leader – North), K Mathieson (Senior
Planning Officer), M Perry (Assistant Chief Executive -Legal), C
Theobald (Planning Officer), A Taylor (Assistant Director Planning
and Building Control), M Shoosmith (Development Management
Team Leader – South).

PC35 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Loughlin and Wells.

Councillor Eastham declared a pecuniary interest in application 13/2027/FUL
Stansted as he worked for the same company as the agent.

Councillor Salmon declared a non- pecuniary interest in application
13/2027/FUL Stansted as a member of the Stansted Parish Council.

PC36 MINUTES OF THE PREVIOUS MEETINGS

The Minutes of the meetings held on 23 October 2013 were received,
confirmed and signed by the Chairman as a correct record.

PC37 BUSINESS ARISING

Minute PC25 - Application 13/1618/OP Stansted

Councillor Dean spoke to the Committee. He recalled that at the meeting on
the 25 September 2013 a number of members that had voted for the
application had done so with the proviso that there should be a legal
safeguard for the landscape buffer zone between the B1383 and the
development (currently the paddock) to be retained in perpetuity. He had
since been advised that it was not possible to include this provision in a S106
agreement, that it should be a covenant instead, and he asked for assurance
that this request would not be lost.

The Assistant Chief Executive – Legal explained that the owner's intention
was to covenant that the land be retained as agricultural land for a period of
time and officers were currently negotiating on the number of years. The

Assistant Director – Planning and Building Control confirmed that this matter would come back to the committee if the outcome of the negotiations was not in accordance with the Committee resolution.

PC38 **ITEM WITHDRAWN**

It was noted that application 13/2754/FUL Henham had been withdrawn.

PC39 **PLANNING APPLICATIONS**

(a) Approvals

RESOLVED that the following applications be approved, subject to the conditions set out in the officer's report

13/2027/FUL Stansted - Demolition of existing library and erection of multi-purpose community building with associated staff parking, landscaping, cycle parking, signage/seating and refuse and recycling facilities. Provision of temporary library facilities for the duration of the building works - Stansted Library, Chapel Hill, Stansted for Stansted Mountfitchet Parish Council.

Councillor Dean, Ray Woodcok and Janet Harris spoke against the application. Ruth Clifford, Paul Straupmanis and Peter Jones spoke in support of the application.

13/2207/FUL Little Bardfield – construction of 18,65ha solar park, including installation of solar panels, transformer and inverter housings, security fencing, landscaping and associated works – Hydes Farm for Push Energy Ltd.

Philip Kratz spoke in support of the application.

13/2792/FUL High Easter – addition of mobile home for residential use – land known as Twin Willows, Stagden Cross for Mr Thomas Price

Robert Lodge spoke against the application.

(b) Refusals

RESOLVED that the following application be refused

UTT/13/0808/OP Elsenham, Henham & Ugley - Outline application with all matters reserved, except access, for up to 800 dwellings; up to 0.5ha of Class B1a and B1c employment uses; up to 1,400 sqm of retail uses; a primary school; up to 640 sqm of Health Centre use; up to 600sqm of community buildings; changing rooms; access roads including access points to B1051 Henham Road and Old Mead Road, a construction access and haul road from B1051 Henham Road, a waste water treatment works access

from Bedwell Road, a provision of a link road at Elsenham Cross between the B1051 Henham Road and Hall Road; a waste water treatment works and other associated infrastructure, landscaping and boundary treatment works. demolition of all existing buildings - Fairfield Site, Station Road, Elsenham for Fairfield (Elsenham) Ltd.

Reason:

The site lies outside the development limits of the adopted Local Plan, falls within a rural area and partially within the Countryside Protection Zone around the airport where there is a general policy restraint in respect of development. The development of this site would have a harmful effect upon the character and appearance of this area of the countryside, contrary to Policies S3, S7 and S8 of the Uttlesford Local Plan. The harm caused would not be outweighed by the benefits of the development including its contributions to the housing supply and the provision of affordable housing. The proposals would result in the loss of a large area of the best and most versatile agricultural land, which also constitutes traditional open spaces. The applicants have failed to justify the loss of this land and the proposals are contrary to Policies ENV3 and ENV5 of the Uttlesford Local Plan. The benefits of the development including its contribution to the housing supply and the provision of affordable housing would not outweigh the harm caused.

Councillor Perry requested that a recorded vote be taken.

The voting was as follows

For the proposal - to refuse the application

Councillors J Davey, E Godwin, K Mackman, J Menell, D Perry, J Salmon.

Against the proposal - to refuse the application

J Cheetham, R Eastham, K Eden, V Ranger.

Abstain:

C Cant, E Hicks

Councillor Morson, Councillor Dean, John Litton QC and Geoff Gardner spoke against the application. Phil Copsey spoke in support of the application.

RESOLVED that the following application be refused for the reasons set out in the officer's report.

13/2319/FUL Little Sampford – erection of 1 detached dwelling and garage/workshop. Demolition of outbuildings – Small Farm, Hawkspur Green, Hawkspur Green Road for Mr R Crowe.

Mike McGarr spoke in support of the application.

(c) Planning Agreements

13/1981/OP Saffron Walden - Outline proposal, with all matters reserved, for 60 unit extra-care home facility including demolition of existing buildings - Site at 119 Radwinter Road for Countryside Properties PLC and 121 Radwinter Road Partnership.

RESOLVED that conditional approval be granted for the above application

- 1 subject to the conditions set out in the report
- 2 A legal obligation as follows
 - (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner 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 obligation to secure the following:
 - (i) Transfer of cleared land to the Council, free from contamination and with services and infrastructure, including access provided to the boundary of the site.
 - (ii) In the event that a care home cannot be built on the site, that the site should be used for affordable housing.
 - (iii) Pay monitoring costs.
 - (iv) Pay Councils reasonable costs
 - (II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below
 - (III) If the freehold owner shall fail to enter into such an obligation, by the 14 February 2014, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:
 - (i) Lack of affordable/social housing

Councillor Easton left the meeting for the consideration of this item.

PC40

S106 CLAUSES

Members were advised that at the meeting on 31 July 2013 a number of applications in Swards End had been approved subject to S106 legal obligations to secure contributions for off-site affordable housing.

The template recommendation for S106 obligations had been used which included a date by which time the S106 should be signed. The obligation would not usually be signed by this date but in certain circumstances, where the negotiations were continuing, officers had taken a pragmatic approach and an extension of time has been agreed in writing while negotiations continued. This had happened in these cases and concern had been raised about the delegation given to approve these applications.

The Assistant Chief Executive – Legal had looked at this matter and concluded that delegated powers existed to issue a decision post signing of the obligation. However to avoid any potential ambiguity he suggested that the matter should be referred back to committee for confirmation.

RESOLVED that

- 1 That the permissions be issued in accordance with the details previously agreed by the Planning Committee once the Section 106 obligations for the 4 applications are concluded.
- 2 In the event that any of the obligations referred to in paragraph 4 above are not concluded by 27 December 2013 the Assistant Director Planning and Building Control shall be authorised to refuse permission for such application(s) in his discretion at any time thereafter for the reasons set out in the minutes of the meeting of 31 July 2013

PC41

APPEAL DECISIONS

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

The meeting ended at 5.30pm.