

**DEVELOPMENT CONTROL COMMITTEE held at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN at 1.00PM on 4 APRIL 2007**

Present:- Councillor C A Cant – Chairman
Councillors E C Abrahams, J F Cheetham, C M Dean, C D
Down, R T Harris, S C Jones, J I Loughlin, J E Menell, and A R
Thawley.

Officers in attendance:- J Bosworth, M Cox, R Harborough, A Howells, H
Lock, J Mitchell, C Oliva and J Pine.

DC157 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P Boland, R F
Freeman, E J Godwin and M Miller.

DC158 DECLARATIONS OF INTEREST

Councillor Thawley declared a personal interest as a member of the National
Trust and CPRE.

Councillor Cheetham declared a personal interest as a member of the
National Trust, NWEPHA and the Hatfield Forest Management Committee
and also in application 2097/06/FULTakely as she knew the agent.

Councillor Down declared a personal interest as a member of CPRE.

Councillor Dean declared a personal interest as a member of the National
Trust and in relation to Agenda Item 7 lived in the Stansted Conservation
area.

Councillor Jones declared a personal interest as a member of the National
Trust.

Councillor Loughlin declared a personal interest in agenda item 7 as she lived
in the proposed Stansted Conservation area.

Councillor Abraham declared a prejudicial interest in application 0270/07/FUL
Clavering.

DC159 MINUTES

The Minutes of the meeting held on 14 March 2007 were received, confirmed
and signed by the Chairman as a correct record.

DC160 BUSINESS ARISING

(i) Minute DC155 Appeal Decisions

Councillor Cheetham asked for clarification of why the Inspector had
awarded partial costs against the Council in respect of Home Pasture,

Wimbish Green. She was advised that although all matters had been taken into account, the Inspector had not given the same weight to the policy issues that the Council had done.

DC161

**BAA APPEAL INCREASED USE OF RUNWAY STANSTED AIRPORT
UTT/0707/06/FUL**

The Committee was advised that since determining the planning application on 29 November, the Government had published its future of Air Transport Progress Report. The Council's case that was to be put at the planning inquiry required updating to take account of this new material consideration. The reasons for dismissal that required amendment were the climate change case and the grounds of social and environmental costs outweighing the economic benefits. BAA had also written to the Programme Officer advising that it would offer the Inquiry a planning condition providing a control on air passenger numbers limiting throughput to 35 mppa.

Peter Saunders from SSE spoke to the Committee. He was concerned that BAA was now putting forward a condition to limit passenger numbers to 35 mppa and questioned the motive behind this. He said that the Inquiry should go ahead as planned and the Inspector should look at the implications of the full use of the runway, as no cap had been put forward during the application process. He suggested that BAA would submit a future application for further throughput, and this would lead to the step by step growth of the Airport.

Ray Woodcock a resident from Stansted agreed with this view. He said that BAA did not accept that 35mppa was the limit and it was in its interest to make the maximum use of the runway.

Councillor A Dean then spoke in relation to the climate change reason for refusal and said that it was important that the Council did not lose sight of the implications of the Stern review.

Councillor Godwin had been unable to attend the meeting but had sent a letter which the Chairman read to the meeting. She said that the application had been determined in an open and honest manner and it was important that the Inspector was aware of all the representations and saw the application as the Committee had done and not with the 35 mppa limit.

The Committee agreed with the proposed amendments to the reasons for refusal in relation to climate change and economic benefit. In relation to the proposal for a limit of 35 mppa, the Chairman said that the Committee had refused any development of the Airport above 25 mppa and it should be made clear that any growth above this limit was unacceptable. The Director of Development said it was standard practice at public inquiries to agree conditions in the event that an appeal was allowed. The Council would not want unlimited passenger numbers in that eventuality. Also, the supporting documents did not address the effect of growth beyond that level.

Councillor C Dean said that as BAA was proposing this condition it did not require the agreement of the committee. The Council still considered that passenger movement above 25 mppa was not appropriate.

Councillor Cheetham suggested that a form of words be sent to the Inspector setting out the Council's views on this proposed condition. She also said that the Council's Political Leaders had issued a press release on this matter and this should also be put before the Inspector for information.

RESOLVED that

- 1 The climate change reason for refusal of BAA's planning application be

It would be premature to grant planning permission in advance of the Government carrying out an emissions cost assessment. An assessment is required to ensure that this major development of airport capacity takes account of the wider context of aviation's climate impact as well as local environmental effects. This is in accordance with Government policy as set out in the future of Air Transport Progress Report December 2006.

- 2 The reason for refusal of BAA's planning application on grounds of social and environmental costs outweighing the economic benefits be.

The forecast economic benefits of the proposed development have not been demonstrated strongly enough for them to be so overriding as to outweigh all other factors, with or without mitigation, to the detriment of the principles of sustainable development and contrary to Policy B1W9 of the Essex and Southend Structure Plan.

- 3 The unilateral offer by BAA of a condition limiting the number of passengers to about 35 mppa must not have the effect of limiting the thoroughness with which their proposals are examined, nor of stifling public debate. The Council's view remains that 25 mppa should not be exceeded. All the views that have been presented to the Council in its consideration of the application will be presented to the inquiry as part of its own evidence. The Council confidently expects that the public inquiry will be a full and thorough examination of all the impacts of expansion on the local community and on the wider world.

To this was added the Council's press release which reads:

"Letter to the Editor

2.4.07

Dear Sir,

In November 2006 Uttlesford District Council refused planning permission for expansion of Stansted Airport and remains committed to resisting growth beyond the current 25 million passengers per annum cap. At that time, BAA proposed that there should be no limit on the number of passengers. Having lodged an appeal against UDC's decision, BAA has now unilaterally proposed a condition restricting the number of passengers to 'about 35 million per annum'. Unfortunately this moving of the goalposts seems to be a habit with BAA: your readers will recall that they refused to engage in public debate on their proposals last autumn.

Uttlesford's refusal of planning permission was based on the damage that would be done by a 35 mppa (million passengers per annum) airport, which is why we do not believe that BAA's concession of a cap changes the basic position - no expansion beyond 25 mppa is acceptable to this Council.

This manoeuvre by BAA must not have the effect of limiting the thoroughness with which BAA's proposals are examined nor of stifling public debate. We would like to reassure the public in Uttlesford that all the views that have been presented to the Council in our consideration of the application will be presented to the Inquiry as part of the Council's own evidence. Our demand is that the Planning Inquiry is a full and thorough examination of all the impacts of expansion on our community and on the wider world. In this respect we are in the hands of the Inspector and we are confident that he will ensure that attempts from any quarter to frustrate a full inquiry do not succeed.

Yours faithfully,

Cllr Mark Gayler, Leader of the Council and Leader of the Liberal Democrat Group

Cllr Jim Ketteridge, Leader of the Conservative Group

*Cllr Elizabeth Godwin, Leader of the Independent Group
Uttlesford District Council*

DC162

CONSERVATION AREA APPRAISALS – GREAT CHESTERFORD AND STANSTED MOUNTFITCHET

Officers had been reassessing the conservation areas in Great Chesterford and Stansted and the resulting appraisals had been discussed with the Parish Council and at public meetings. The comments had been incorporated and proposals made for the conservation area boundaries to be amended. The documents would be used to assist in the process of determining planning applications and for implementing management proposals.

Members welcomed the report and hope that similar work would be undertaken in other villages. The Committee was advised that appraisals were being undertaken for Great Dunmow, Stebbing and Clavering.

RESOLVED that

- 1 The documents be amended to incorporate the comments in the report and that they be used immediately to assist in the determination of planning applications and for implementing the management proposals as set. Once the local development

framework is in place, they be adopted as 'supplementary planning documents' to support relevant policies in the Uttlesford Local Plan.

- 2 Enter into discussions with Essex CC to request a holistic traffic study to consider the introduction of a speed reduction plan for Great Chesterford and also for Bentfield Road and Bentfield End Causeway, Stansted Mountfitchet.
- 3 Article 4 Directions be introduced to remove permitted development right to alter windows, doors and roofing materials in both communities on elevations fronting a highway, waterway, public footpath or open space and also similarly to control the right to remove existing porches and the erection of new porches on those residential properties identified as buildings that make an important architectural contribution to the Stansted Mountfitchet conservation area. Such Directions will be subject to separate consultation.
- 4 Article 4 Directions be introduced to control the demolition of non- listed boundary walls and railings fronting a highway, a waterway, public footpath or open space identified in the respective appraisal documents for Great Chesterford and Stansted Mountfitchet.
- 5 The Council produce enhancement schemes for the Memorial Gardens, the Recreation Ground and the fountain area in Stansted Mountfitchet.
- 6 Changes be made to the respective conservation area boundaries as recommended by the documents and as set out in this report. In this respect it will be necessary to inform the Secretary of State and English Heritage and place an advert in the London Gazette and local newspapers. In respect of the proposal to identify a new conservation area at Bentfield Green it is recommended this be undertaken a separate exercise.
- 7 Discussions commence with owners of 'detracting elements' with an objective of seeking a voluntary solution unless the matter can properly be resolved by planning enforcement.
- 8 Members consider making a financial contribution in the 2008/09 financial year towards environmental improvements in the two communities.
- 9 Officers consider the resource and staffing implications of the additional workload of undertaking further appraisals and following them through in the manner set out above and report back to a future meeting.

DC163

SCHEDULE OF PLANNING APPLICATIONS**a) Approvals**

RESOLVED that planning permission and listed building consent, where applicable, be granted for the following development subject to the conditions, if any, recorded in the officer's report.

2097/06/FUL Takeley – 10 houses with access, garaging and parking – land adjacent Westwood House for CS Group.

Subject to an additional condition for a Hawthorne hedge to replace the rear fence over time and for the extensive planting to road frontage and an amendment to Condition C.3.1 to make reference to additional plans.

Graham Murdoch spoke in support of the application.

b) Refusals

RESOLVED that the following application be refused for the reasons set out in the Officer report.

0270/07/FUL Clavering – 8 dwellings, new pedestrian and vehicular access, and alteration of existing dwelling including erection of garage and carport – land at Barlee Close for BF Contracts Limited.

With an additional reason for refusal - that failure of four units to meet lifetime homes requirements is contrary to SPD and Policy Gen 2.

c) Planning Agreement

0168/07/FUL Hadstock – Detached dwelling with garage – land at Orchard Pightle, Bilbury End for Trustees of F Pickford Grandchildren settlement.

RESOLVED that the Director of Development in consultation with the Chairman of the Committee be authorised to approve the above application subject to additional conditions relating to bin storage, survey of orchids in next growing season and timing of commencement of development to avoid growing season, and the completion of an agreement under Section 106 of the Town and Country Planning Act to require:

- a) Not at anytime hereafter to carry out or cause suffer or permit any development of the land shown edge green on the plan and (in particular) not to erect or construct or permit to be erected or constructed any building or other structure.
- b) Not at anytime hereafter to sell lease or otherwise dispose of the land shown edged green on the plan separately from the land shown as red on the plan.

- c) To keep the land shown edged green on the plan down to grass and mown a minimum of six times per growing season but with suitable management to maintain populations of the Orchid understood to be growing on the site, and reasonably free of weeds.

d) District Council Development

RESOLVED that pursuant to the Town and Country Planning (General) Regulations 2002, provision be granted for the development proposed subject to the conditions recorded in the Officers report.

0211/07/DC Hatfield Heath – Vehicular crossover and parking area – land adjacent to 1 Broomfields for Uttlesford District Council.

With an additional informative that Essex County Council Highways be asked to secure prevention of parking on the verge.

DC164

ADVANCED REPORTING ON ISSUES RELATING TO PLANNING APPLICATIONS UTT/0308/07/OP AND UTT/0310/07/OP

The Committee was advised of two outline applications for the erection of hotels on Southgate West and East, Stansted Airport. Members were asked if there were any additional matters that required consideration prior to drafting the report to Committee. Members asked that the following issues be considered.

- Slab levels of South Gate East relative to the Express Inn
- Different designs to that of the Express Inn
- Implications for the loss of a section of the ancient hedge
- The proximity of the development to the A120 and the petrol filling station in terms of air quality
- The provision of wildlife corridors across the site
- Traffic capacity
- Opportunities for the provision of public art
- Light pollution implications
- Possibility of underground parking
- Heights of the hotels relative to comments made by Sir Graham Eyre
- Clarification of the extent of Phase 2 of South Gate West
- Measures for reducing pollution
- The provision of a travel plan.

DC165

APPEAL DECISION

Members noted the following appeal decisions which had been received since the last meeting.

LOCATION	DESCRIPTION	APPEAL DECISION & DATE	SUMMARY OF DECISION
Bridge Cottage Site Elms Farm Stansted	Appeal against refusal to grant planning permission for certificate of lawful use or development (LDC) is sought is confirmation of the implementation of UTT/907/90 and UTT/908/90/LB being planning and listed building consents for some 10.53 m2 of offices	ALLOWED 5-MARCH-07	This case turned on a legal interpretation of whether two planning conditions had been complied with and if not whether that failure meant that the permission had not been lawfully implemented. The Inspector concluded that enough information had been provided to show that on the balance of probability the works had been lawfully commenced before the expiry of the permission and consequently the permission remained live.
Pond Cross House High Street Newport	Appeal against refusal to grant planning permission for change of use from residential to B1	ALLOWED 13-FEB-2007	The Inspector stated that the two issues were the provision of parking in the conservation area and possible inconvenience to other road users. Regarding the first issue he concluded that parking could be provided without harm to the conservation area. On the second issue he did not consider that unacceptable inconvenience would be created.
Forest Stables Leepers Lane Great Hallingbury	Appeal against refusal to grant planning permission for proposed loft conversion including raising eaves/roof & changing the pitch of the roof, & new front porch	DISMISSED 6-MARCH-07	The Inspector concluded that the resultant dwelling would be out of scale and character with the existing dwelling and have a harmful effect on the character of the countryside.
Forest Stables Leepers Lane Great Hallingbury	Appeal against refusal to grant planning permission for stable conversion to provide 1		The Inspector concluded that the proposal would result in the loss of occupied stables; the

	bedroom unit		proposal would fail to respect the character of the original building; there was no evidence of need for a second dwelling on the site and the proposal would have a strong adverse effect on the character of the open countryside
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DC166 PLANNING AGREEMENT

The Committee noted the table of outstanding 106 agreements. The Council's Solicitor reported that Essex County Council Legal Services were now dealing with the agreements in relation to the island sites at Takeley.

The meeting ended at 4.10pm