

**UTT/2384/11/FUL (Stansted)**

*(Reason: Major application).*

**PROPOSAL:** Demolition of existing commercial buildings, construction of building to accommodate Class A1 retail space, Class D1 medical centre and 14 Class C3 residential apartments with dedicated off site parking spaces. Closure of existing vehicular access and off site alterations to access and highway arrangements, re-alignment and upgrading of culvert, reconfiguration of public car park to provide 188 car parking spaces and 3 coach spaces.

**LOCATION:** 2 Lower Street, Stansted.

**APPLICANT:** Hilton Group.

**AGENT:** Pelham Structures Ltd.

**GRID REFERENCE:** TL 514-248

**EXPIRY DATE:** 9.03.2012

**CASE OFFICER:** Nigel Brown

**APPLICATION TYPE:** Major.

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**1. NOTATION**

- 1.1 Within Development Limits/Local Centre/Lower Street and Church Street Stansted Policy SM3/Borders Conservation Areas/Adjacent Listed Buildings/Adjacent Scheduled Ancient Monument.

**2. DESCRIPTION OF SITE**

- 2.1 The site comprises an area of approximately 0.2 hectares and accommodates a single and two storey building currently used in connection with the motor industry. The forecourt is hardstanding and the site has an irregular shape, bordered by roads to all sides. To the rear of the site is a large public car park with the castle beyond. The surrounding buildings, to the south, west and north, are in mixed use including residential and commercial. The railway line abuts the car park to the east.

**3. PROPOSAL**

- 3.1 The application comprises the demolition of the existing buildings and the redevelopment of the site. The replacement building would accommodate the following:
- Ground floor – 1073sqm retail space, plant area, stairwells to upper floors, residential refuse area;
  - First floor – 1081.5sqm of medical floorspace;
  - Second floor – 480sqm of medical floorspace, 4 residential apartments (2 x 2 bed and 2 x 3 bed);
  - Third floor – 7 residential apartments (6 x 2 bed and 1 x 3 bed);
  - Fourth floor – 3 x 2 bed apartments and an open terrace for communal amenity space for residents.

3.2 The existing vehicular access to the site would be retained for pedestrian use only with all vehicular traffic using the existing access serving the car park at the rear. This driveway would be widened and pedestrian paths provided and the access improved through a mini roundabout. The car park would be rationalised to provide additional parking capacity. The proposal also includes the realignment of the culvert which passes under the site. Revised plans have been submitted in relation to the highways proposals.

#### **4. APPLICANT'S CASE**

##### 4.1 Planning Statement:

- The site has the benefit of a long standing land use allocation for a mixed use development and has a long commercial history.
- The proposed retail use would be on the ground floor and could accommodate a single or two units with the entrance to the front of the building. The building is within walking distance of the residential areas of the village and the car park to the rear could be used.
- A medical centre has been a long standing requirement for Stansted linked to the development of the former Rochford Nurseries with a legal agreement requiring either the provision of a medical centre on that development or funds to be made available for an alternative facility elsewhere in Stansted. The medical facilities would be located on the first floor and part of the second floor. It has been designed in consultation with the PCT and includes consulting rooms, treatment rooms, patient facilities, administrative and training and staff areas. On site parking would be provided through a lease from the Council to provide 51 spaces with the spaces closest to the building for use by the medical centre and staff parking on the site closer to the skate park. The medical centre would replace the GP surgery in St Johns Road and the NHS clinic on Crafton Green.
- The dwellings would each be individually designed with a balcony/terrace and as the building is to be stepped from the ground level the terrace would not be perceived. All the flats would be served by stairwells and a lift with the entrance for the apartments at the front of the building. Each unit would be allocated one space in the public car park.
- A central light well would extend through the building above the retail units providing central light to all floors. Separate buildings would provide secure covered cycle parking and storage, refuse and recycling facilities.
- There would be no vehicular access to the front of the site but a pedestrian route would provide access to all stairwells. The front forecourt to the south west of the building would be hard and soft landscaped and set out with seating.
- The existing car park has a layout providing space for 94 cars and 12 coaches. By configuring the car park space can be provided as follows: 51 spaces for medical centre use, 114 pay and display and season ticket spaces, 14 spaces for the apartments, 9 disabled spaces (as existing) and 3 coach parking spaces. A 2 metre wide raised footway would be provided to give safe access for all pedestrians. Space to the rear of the building would be available for service vehicle deliveries.
- At present there is a confusing junction between the public car park and the Castle Sports car site at a point where the wider road configuration also creates conflict. The existing access to the application is poorly located on a junction radius without adequate visibility. The proposal would remove this vehicular access, significantly reducing the hazards with the access to the public car park and the neighbouring roads.
- National, local and emerging planning policies would be adhered to.
- The Local Plan identifies that the range of shopping facilities in the village is less than might be expected for a settlement of this size which is a local

service centre and the third largest settlement in the district. The current business makes inefficient use of this prime location in terms of floorspace and sustainable position adjacent to the railway station. The proposal would meet the aims of policy SM3 in its entirety.

- The site is in commercial use but it is a highly specialised market. The proposed retail floorspace would offer additional employment opportunities and a greater range of services to local users. The medical facilities would comprise 16 practitioners, 11 people in intermediate care and 5 dental staff. There would be no loss of employment for existing staff at Castle Sports Car as they would relocate to the owners other premises at Parsonage Farm. The lease for the GP surgery in St John's Road is about to expire and the premises provide an inadequate environment for patients and staff with no capacity to develop new services. Discussions with the developer at Rochford Nurseries have not secured the provision of the centre and this site would be accessible for Forest Hall residents.
- The purpose of the apartments is to meet a gap in the market that is not currently met by available housing in Stansted. The degree of natural surveillance would be positive in reducing the risk of crime.
- The design is the culmination of over a year of preparation and in street scene terms the building would be set back from the buildings fronting onto Lower Street and Station Road and would not be reads together, the building would be a standalone attractive building with materials to complement local buildings. The street scene is varied in scale and other tall buildings do not cause harm to the street scene. The height would not interfere with the scheduled ancient monument or adversely affect the setting of the conservation area and there are limited points in the surrounding streets of which the development would be seen. The hierarchy of floors provides visual interest and the glazing would ensure the building would not dominate the street scene.
- The removal of the existing access would reduce conflict at the junction and the widening of the car park access would allow two buses or HGV's to pass. The proposal would also guide all traffic through the existing car park access. The location is sustainable being 80 metres from the train station and walking distance to the historic centre. The applicant would enter into an agreement with the Council as landowner to lease 51 parking spaces to serve the medical centre and 14 spaces for the apartments. No allocated parking would be provided for the retail units. The reconfigured car park would increase the number of parking spaces.
- The site is located in an existing urban area of mixed uses and the proposed design and its separation from the northern boundary would improve its inter relationship. The orientation is such that there would be no loss of privacy to neighbours or residents of the apartments. The building would be further from 6 & 8 Lower Street compared to the existing and there is a long term history of commercial operations on the site.

#### 4.2 Design & Access Statement:

- There are very few vantage points where a building on the application site would be seen. At Churchfields on Church Road there are glimpses of the social club but none of the application site, across the entrance to Elms Farm there are glimpses of the castle but views closer to the village centre are limited by dense tree planting. From the bridge over the railway the view is dominated by the social club and other buildings in the dip with the application site set back from the frontage behind trees. From Chapel Hill distant views of the site are screened by existing buildings and the position of the site at the bottom of the valley, clear views do not emerge until reaching the crossroads. From Lower Street views are hidden by the close knit pattern of development and the set back position of the proposed building.

- 4.3 The Heritage Statement places the site within the historic context of the village, discusses the conservation area, castle and listed buildings and concludes that the proposal would not directly affect any heritage asset within the vicinity but has taken account of the above. The proposal would appear as a stand alone building set back from frontage development.
- 4.4 The Highway Traffic and Transport Assessment states that the mini roundabout would remove several awkward and conflicting junction turning movements as well as producing a more orderly junction situation. It also has adequate junction capacity to deal with the robust post development vehicle flows and future growth on the network. The existing junction has an excellent accident record including a lack of pedestrian casualties over a long period of time. The level of large vehicle flows is very low, the applicant is willing to consider funding additional zebra crossings and significant highway safety benefits will accrue from the proposal. Furthermore, the site is allocated in the Local Plan for development hence the site has been accepted in principle by the planning and highway authorities, the site is well located to the local built up area, bus stops and the railway station.
- 4.5 The Flood Risk Assessment states the development site is adjacent to the Stansted Brook and Ugley Brook and is classified as Flood Zone 3a on the Environment Agency flood maps. Hydraulic models were developed for a base (or existing) and flood mitigation scenarios to verify the requirements for the development and consultations took place with the Environment Agency to identify a suitable mitigation option to maximise development opportunities as well as manage flood risk. Culvert re-alignment and diversion of flood water from Lower Street into the proposed culvert will be required to manage flood risks at the site and the nearest vicinities.
- 4.6 The required sequential test states that the site is partly within a flood plain, connected with the culvert of Ugley Brook which passes under the site to join Stansted Brook which runs alongside the southern boundary. The site falls within an area assessed as having a 1 in 100 year probability of flooding. The proximity to a potential source of flooding was known at the time of site allocation in the Local Plan. In applying a sequential test the development limit is tightly drawn around the village with policies of restraint beyond. Given the dense pattern of development there are no other available sites for this nature of development within the settlement. It was not considered suitable to look beyond the village as the medical element of the proposal is to serve the village. An alternative site for the medical centre was identified as part of the Rochford Nurseries development. Whilst this site would be well related to that development it would not have benefitted the existing residents of the village to the same degree. In any case this site has not been deliverable to date and there are no other suitable sites. Cumulatively the substantial benefits of the scheme outweigh any flood risk which in any event could be addressed through the measures specified in the flood risk assessment.
- 4.7 The Retail Assessment concludes that the site falls within the defined Stansted local centre and is also allocated for mixed uses under policy SM3 given its location within a defined centre. The retail element falls below the threshold of 2,500 square metres set in PPS4 and accordingly supporting information is not required in relation to the impact tests set out in that document. The incorporation of the health facilities would also comply with the site allocation and the only part of the proposal that might be considered contrary to the adopted development plan would be the residential element. However, the location of the medical facilities would enable the equivalent provision of residential development elsewhere on the Forest Hall site. As such there would be no reduction in residential numbers. The Council's own shopping study has shown

that the local centre fails to capitalise upon available spending within the defined catchment. Without an increase in the range and quality of goods shoppers will continue to travel to more distant stores. It is concluded that there is justifiable need for the proposal in terms of its qualitative and quantitative improvement in the range of convenience shopping facilities.

- 4.8 The Bat Survey states that no evidence of bats was found to be associated with the building and no vegetation at the site that might offer potential roosting places for bats. It concludes that the site is unsuitable for colonisation for bats and that the application would not have a detrimental effect on the local bat population.
- 4.9 A Contaminated Land Survey concluded that the property would not be designated as contaminated land.
- 4.10 A Sound Control Statement, a Ground Water Pollution Control Statement, a Lifetime Homes Statement, an External Light Statement, a Site Waste Management Plan and a Utilities Statement have also been submitted in support of the application.

## **5. RELEVANT SITE HISTORY**

- 5.1 History includes UTT/0343/03/FUL which granted permission for the retention of 5 temporary vehicle canopies for a period of three years, UTT/0205/04/FUL which approved a single storey extension to the car showroom and UTT/1404/11/FUL for which permission was refused for a retrospective change of use of part of the showroom for car valeting. Formal Enforcement Action has been authorised regarding these unauthorised use.

## **6. POLICIES**

### **6.1 National Policies**

NPPF.

### **6.2 East of England Plan 2006**

ENV6 – The historic Environment.

ENV7 – Quality in the Built Environment.

SS6 – City and Town Centres.

### **6.3 Essex Replacement Structure Plan 2001**

No policies relevant.

### **6.4 Uttlesford District Local Plan 2005**

Policy S1 – Development Limits for the Main Urban Areas

Policy GEN1 – Access

Policy GEN2- Design

Policy GEN3 – Flood Protection

Policy GEN4 – Good Neighbourliness

Policy GEN7 – Nature Conservation

Policy GEN8 – Vehicle Parking Standards

Policy E2 – Safeguarding Employment Land

Policy ENV1 – Design of Development within Conservation Areas

Policy ENV2 – Development affecting Listed Buildings

Policy ENV4 – Ancient Monuments

Policy H3 – New Housing within Development Limits

Policy H10 – Housing Mix

## **7. PARISH/TOWN COUNCIL COMMENTS**

- 7.1 Stansted Parish Council seek further information regarding the highways issues as the community has waited a long time for this application but we must be sure it is right.
- 7.2 Formal comments now awaited

## **8. CONSULTATIONS**

### ECC Highways

Following thorough investigation of the likely highway impact as a result of the above proposed development including a review of the Transport Assessment submitted in support of the planning application, the Highway Authority do not consider that the proposal will have a detrimental effect on the public highway subject to several conditions outlined in this recommendation.

This application has been considered on its individual merits and in the context of the existing situation. It is important to note that the existing junction of the B1051 Chapel Hill/B1351 Lower Street/Station Road/Church Road has a historic layout which is not considered to be standard and which is constrained in terms of land availability. This creates a situation whereby any improvements are very limited in terms of their effectiveness and deliverability.

Investigation and discussion into possible improvements to the junction have taken place prior to this planning application being submitted. In order to accommodate the additional traffic in connection with the application the Highway Authority considers that the proposal for the construction of a 4-arm mini roundabout by the developer is an acceptable solution. Whilst it is noted that a mini roundabout at this location will not be in strict accordance with the standards contained in DMRB TD54/07, such a junction will introduce a more formal method of traffic management and will create a give-way situation for all traffic entering the junction.

A mini roundabout junction at this location will require particularly careful design and all details will need to be approved by the Highway Authority in order to accommodate all arms and features effectively. If the LPA approve the planning application, such improvements to the existing junction together with additional pedestrian crossing facilities, will provide adequate mitigation for the impact of the development.

It should be noted that the proposed mini roundabout improvements would not be deliverable within the existing public highway. Additional land offered by this planning application is required in order to achieve the proposed improvements.

Having considered the above, the Highway Authority would not wish to raise an objection to the above application subject to conditions

Thames Water do not object.

Environment Agency

Have confirmed no objection from a flood risk viewpoint

Veolia Water made no comments.

ECC Schools Service require a financial contribution relating to primary school provision.

Network Rail made no comments.

Essex Police Architectural Liaison Officer do not object subject to conditions relating to the Park Mark award relating to the reconfigured car park, secured by Design certification and a s.106 contribution for cctv for the car park.

Essex Bat Group made no comments.

Natural England do not object.

ECC Ecology do not object subject to an informative requiring work to cease if any protected species are found during construction.

BAA Aerodrome Safeguarding do not object subject to informatives relating to cranes and landscaping.

Environmental Health do not object subject to conditions.

Drainage Engineer refers to the response from the Environment Agency.

Project Officer made no comments.

Uttlesford Area Access Group raise concerns regarding the lack of detail and whether sufficient lift provision will be available

Climate Manager recommends conditions.

Conservation Officer does not object.

English Heritage object on the grounds that the proposal would cause substantial harm to the significance of the surrounding heritage assets, notably Stansted Mountfitchet Castle and the conservation area by way of its adverse impact on their settings including views from them. The inappropriate bulk, scale and massing of the new block suggests too much accommodation may be proposed on this prominent site. The site immediately abuts the conservation area to the north and west and the scheduled Stansted Mountfitchet Castle to the north-east. It plays a prominent role in the setting of these designated assets and of the group of approximately 10 listed buildings in the Lower Street area within the conservation area. Other undesignated assets which make a positive contribution to the conservation area are also viewed in conjunction with the site. Redevelopment would have impacts on various views out of the conservation area notably the vista along Chapel Hill. It is not felt that the heritage statement adequately addresses the potential visual impacts on the settings of the heritage assets. No objection to the demolition of the existing buildings, the visual impact of the site is at present negative and its redevelopment presents an opportunity to enhance the settings of the heritage assets. However, strongly recommend that the existing character of the surroundings, including the heights of buildings, their scale and form should inform the development proposals. NPPF at para 131 states "the desirability of new development making a positive contribution to local character and distinctiveness". It is advised that the proposals do not take these considerations into account and that it would cause substantial harm to the significance of the surrounding heritage assets by way of its adverse impact on their settings including views from them. The castle is a scheduled ancient monument exceptional for its archaeological significance. The relationship between this important asset within the historic core of Stansted is of great significance and the views toward the castle

from Chapel Hill are crucial to understanding that relationship. The prominent views of the castle are those from the south and south-west including views from the railway line. The proposed development is in close proximity to the south-west of the castle and the impact on the setting of the scheduled monument would be unduly prominent in views both to and from the monument. Its height, massing and materials, juxtaposed with the castle earthwork, reconstructed palisade and the wider character of buildings in the conservation area, would be entirely alien and would cause substantial harm to the character and setting of the scheduled monument. Whilst the proposal would not totally obscure all views, it would be an alien and intrusive element into most nearby heritage assets. The drawings submitted do not show most of the adjacent buildings, this information is key to assessing the impacts on the street scene and wider historic townscape. However, buildings are mostly two storey with the notable exception of the landmark tower on the nearby social club and have traditional narrow span roof forms and elevations with materials and opening patterns generally following the Essex vernacular. Therefore challenge the heritage statement that claims there is no defining design characteristic in the area. The proposed building rises to 5 storeys in height and in terms of bulk, elevational treatment, flat roofs and the scale of all these elements presents a proposal that would possibly be acceptable in the centre of a large town but which is foreign to the grain and built form of an historic village centre. Strongly recommend the planning permission not be granted for the proposal and reasons for refusal would include the substantial harm that would be caused to the significance of the surrounding heritage assets by way of the adverse visual impact on their settings including views from them.

Landscape Officer made no comments.

Climate Change Manager requests conditions relating to BREEAM for the retail and medical provisions and code level 3 and energy efficiency conditions on the dwellings.

Essex Fire & Rescue made no comments.

Uttlesford Primary Care Trust made no comments.

## **9. REPRESENTATIONS**

9.1 The original neighbour notification period expired 30<sup>th</sup> January 2012.

9.2 45 letters have been received supporting the application on the following grounds:

- the health centre would serve Stansted and the surrounding villages which is urgently needed having waited nearly 20 years for an improved doctors surgery, the current doctors surgery is past its useful life, better facilities needed to support the growing community, a well thought out proposal and the alternative is no health centre in the village;
- occupies a central location accessible by public transport (bus and train) and within walking distance for most Stansted residents, the application addresses the access and parking issues, more accessible, residents have supported a central location for the surgery;
- appears to provide adequate parking for all services the PCT will provide;
- could be an advantage to the local community giving some rationalisation to traffic flows at the junction of Chapel Hill and Lower St, the current road access linking the surrounding area has always been a problem and the new access will lead to a safer environment, will enhance the car park, there is sufficient parking, the existing health centre only has 6 parking spaces, the junction has been a problem for years, unreasonable to expect the health centre development to improve it, needs a crossing and parking to be provided;



- sympathetic design which will enhance the area with the modern design in sympathy with surroundings, the design will reduce the massing, the current building has no merit, the proposal would retain the view of Stansted Park from Chapel Hill, design should not copy the existing surrounding development;
- the current buildings on the site are of poor quality;
- the increased commercial activity via shopping facilities would give a welcome boost to employment in the local area and enhance the shopping experience for both existing and proposed shops, this is important given the large Forest Hall development which has no shopping provision;
- would provide enhanced retail facilities;
- improve the handling of flooding

#### 9.3 9 letters received raising concerns on the following grounds:

- Design will be Art Deco and out of keeping, questions the size of the building and impact on views and modern design not appropriate to the setting, building too tall;
- Traffic congestion and parking will be issues, one parking space per flat is not sufficient, many spaces will be occupied by staff, traffic on Chapel Hill which is already busy will increase, pedestrian crossing will affect on street parking, there is limited on street parking which is affecting business, loss of parking could affect local businesses, there are health and safety issues with additional congestion;
- Care must be taken to get all aspects of the development right by all parties;
- Questions the residential element, there are empty properties in the village;
- Questions the need for the retail element;
- Questions the location of the medical facilities away from the ground floor and use of internal space generally;
- Support the need for health centre and its location but the scale is inappropriate and no need for further flats or shopping facilities;
- Concerned if skate park lost.

#### 9.4 199 letters objecting on the following grounds:

- Unfortunate the building is so large and resembles a beached ocean going liner as well as bearing no relationship with its surroundings even allowing for the various styles of buildings in the locality, how can such a large development be in keeping, the design and appearance is poor quality and unacceptable, would spoil the view;
- The design does not conserve the historic character of the village, the building would dominate the village centre by its size and nature, the area is characterised by two storey development with the highest building having three storeys, harmful to scheduled ancient monument adjacent, landmark listed buildings would be affected;
- Loss of views from Chapel Hill and the Windmill;
- Surprised the medical facilities are not on the ground floor to ensure disability access, despite the provision of lifts what happens in the event of a power failure or breakdown, no guarantee the PCT will occupy the building;
- Questions whether it is necessary to have retail units and flats and the funding of the development, wrong development on the wrong site, against a further supermarket, would be harmful to existing shops;
- Traffic impact would be detrimental, use of parking spaces for residential uses would deny shoppers parking spaces, insufficient parking and will increase parking on roads, should make Chapel Hill one way, would take up too many parking spaces, the car park is full all the time, parking on Lower Street encourages use of local shops, against loss of on street parking on Lower Hill and a pedestrian crossing which would affect retail business in the area, parking permits already hurt local business, loss of parking, lack of parking,

congestion would bring village to a halt, increased danger to highway safety including to children, the railway bridge is not wide enough, problems with deliveries, could affect emergency vehicles;

- Reduction in coach spaces from 13 to 3, the castle averages 8 coaches a day of school children and sometimes 12, the proposal to double park cars will lead to congestion and a severe hazard for children, the retail would lead to articulated lorries accessing the site;
- Overdevelopment of the site;
- Traffic assessment poor;
- Will detract visitors;
- Additional pollution, loss of light, further pressure on drainage;
- Addition carbon pollution, recycling facilities will be too far away, questions whether skate park would be lost;
- Contrary to the Parish Plan, other sites are available.

9.5 Following the receipt of revised plans and additional information further consultation has taken place.

9.6 Three letters of support stating:

- The highway issues, including traffic flow and the pedestrian crossing, have been resolved and will improve the present junction;
- The building has been designed and set on the site as reasonably as possible;
- The proposal appears to be the only way the community will get a health centre it so badly needs, it seems well thought out and there is a coordinated objection campaign run by narrow commercial interests;

9.7 17 letters objecting on the following grounds:

- There is no doubt a new surgery is needed, however, the building is out of scale with nearby properties, the design is out of keeping, the size is inappropriate, the view from Chapel Hill will be totally dominated by the mass of the building, view of countryside from Chapel Hill will be lost, building too tall;
- the surgery should be on the ground floor giving direct access to the disabled, physically impaired and mothers with prams, the lift will break down regularly;
- it appears the retail element is driving the whole scheme, only a medical centre should be built, questions residential element;
- the location is not that close to any residential area so is a less convenient location for a greater proportion of patients and possibly leading to more car journeys;
- the increased traffic will cause total chaos in an area already plagued by traffic problems, the car parking is already in constant use for existing retail, the castle and station, increased parking demand will stretch the existing capacity, the traffic layout is unacceptable, access is busy;
- no need for the retail or residential element.

9.8 3 letters raising concerns including in relation to the possible loss of the skateboard park.

## 10. APPRAISAL

The issue to consider in the determination of the application is:

- A The Principle of Development (ULP Policies S1, E2, H3, H10, LC3, RS2, SM1 and SM3; EEP SS6, NPPF, Stansted Mountfitchet Parish Plan);
- B The visual impact including the Conservation Area and adjacent Listed Buildings (ULP Policies ENV1, ENV2, GEN2, ENV4; EEP ENV6 and ENV7, Stansted Conservation Area Appraisal);

- C Residential Amenity (ULP Policies GEN2 and GEN4);
  - D Highway and Parking (ULP Policies GEN1 and GEN8);
  - E Flood Risk and Drainage (ULP Policy GEN3);
  - F Nature Conservation (ULP Policy GEN7)
  - G Other Issues
- A The Principle of Development (ULP Policies S1, E2, H3, H10, LC3, RS2 and SM1; EEP SS6, NPPF, Stansted Mountfitchet Parish Plan);**
- 10.1 The site is within the Development Limits of Stansted and as such there is a presumption in favour of development if compatible with the character of the settlement. It is also subject of policy SM3 of the Local Plan which identifies the site for mixed use development with a small residential element, forms part of the local centre.
  - 10.2 As such the development of a site for retail, health centre with apartments complies fully with this policy within the Local Plan.
- B The visual impact including the Conservation Area and adjacent Listed Buildings and Ancient Monument (ULP Policies ENV1, ENV2, GEN2, ENV4; EEP ENV6 and ENV7, Stansted Conservation Area Appraisal);**
- 10.3 The site lies outside of but directly adjacent to the Stansted Mountfitchet Conservation Area. The site is close to the Stansted Mountfitchett Castle which is a Scheduled Ancient Monument.
  - 10.4 The proposed building by its nature is a substantial four storey modern design. In light of the mixes of character of properties in the vicinity, discussions at pre-application stage with officers including the Conservation Officer did express a preference for a modern design of building.
  - 10.5 The design of the building is also influenced by the inter-relationships between the various mixed elements of the proposal. The health centre element of the development proposed at first floor does require more floorspace than the retail at the ground floor hence the bulge effect of the proposed building. It is considered that the proposed modern design does compliment its location on the edge of the Stansted Mountfitchett Conservation Area. Although the property is four storeys in height, the upper storeys are stepped back in terms of bulking.
  - 10.6 Contextual drawings provided by the applicant's architect do indicate that the proposal can be viewed from vantage points within the village. Principle views from the northern of Lower Street and the Car Park are glimpsed views of the upper two floors. Views from Church Road would be confined to the upper three storeys due to the gradient of the road. Views of the proposal from Chapel Hill will be emerging views of the property. It is considered by officers that notwithstanding the good design principles of the building, its full bulk would only be viewed directly in front of it.
  - 10.7 It should be noted that an objection has been received from English Heritage with regards the detrimental impact of the proposal upon the Stansted Mountfitchett Conservation. This objection certainly has weight as a material planning consideration when determining this application. They question the scale and

design of the proposal saying that it is out of context with the general character of the village. In objecting they do state that the screening of the bulk of the proposal is minimised when foliage is out of season. Whilst this is accepted it is still the case that the full bulk of the building is only witnessed when directly adjacent to it.

- 10.8 English Heritage also objects to the proposal in terms of its impact upon the Scheduled Ancient Monument (Stansted Mountfitchett Castle). Their concerns are related to views of the proposal from the castle rather than the views of the castle being harmed by the proposal. The comments of English Heritage regarding the impact upon the setting of the Ancient Monument certainly have weight with regards of impact upon heritage assets and should be given high weight when considering this planning application. However, their comments should be considered in the context of the current setting and use of the Ancient Monument.

### **C Residential Amenity (ULP Policies GEN2 and GEN4);**

- 10.9 The proposal has been designed to avoid and harm being caused to the residential amenities of properties in the area through overlooking and overshadowing.

### **D Highway and Parking (ULP Policies GEN1 and GEN8);**

- 10.10 The Highway have confirmed that the proposed four-way junction arrangements for the Lower Street, Station Road, Chapel Hill and the Public Car Park are considered acceptable. It has been demonstrated through auto-tracking that the provision of a mini-roundabout for this junction would be a workable solution. Although it does not meet all of the highway standards, a balance must be drawn against the existing layout and any advantage this junction arrangement may provide in connection with the development,
- 10.11 The revised proposal does now provide a pedestrian crossing across Lower Street. This additional crossing is welcomed as it will aid the likely increased pedestrian footfall to the site.
- 10.12 The Highway Authority have confirmed that proposed junction works would result in the loss three on-street car parking spaces. These lost spaces would be provided within the remodelled car parking arrangement within the public car park.
- 10.13 The redesigned car park will provide more car parking spaces than currently provided. This increase in provision will suitably provide spaces for the three elements of the development. Fifty-one spaces have been provided for users and staff for the proposed health centre, directly adjacent to the proposal within the adjacent public car park. Provision of car parking for the mix of retail and residential will be provided through the general town centre provision within the public car park.
- 10.14 The Highway Authority has confirmed that the proposed redesign of the public car park would not prejudice the existing operations of the car park. Adequate spaces would be retained would be retained for the parking/turning of coaches, and the manoeuvring of HGVs serving the retail unit.

### **E Flood Risk and Drainage (ULP Policy GEN3);**

10.14 The Environment Agency have confirmed that adequate information has been provided through a Flood Risk Assessment to conclude that there are no issues related to flood risk regarding this proposal.

## **F Nature Conservation (ULP Policy GEN7)**

10.15 No objections have been received from English Nature regarding this proposal. As such the proposed development is acceptable with respect of impact upon issues of nature conservation.

## **G. Other Issues**

10.16 The proposal does include the provision of a health centre for Stansted. It is widely accepted that there is demonstrated need for a health centre within the village. It is noted that the proposal does include the provision of retail units on the ground floor with residential units in the third and fourth floors. This is in complete accordance with Policy SM3 of the adopted Uttlesford Local Plan 2005.

10.17 The applicant has demonstrated that the deliverability of the health centre is wholly dependent upon the development being mixed including the provision of retail and residential units. All three elements are mutually reliant for the ongoing delivery of the development especially the provision of the socially critical health centre. This is the reason why the proposal has been put forward as a four storey building rather than a stand alone health centre. Appropriate measures through a Section 106 Obligation will secure the provision of the health centre prior to any other part of the development.

## **11. CONCLUSION**

- 11.1 The proposal is fully in accordance with the Policy SM3 of the Adopted Local Plan which requires the provision of mixed development of this type in this area of Lower Street.
- 11.2 The applicant has demonstrated that the proposal would cause no harm to issues of highway safety. The Local Highway Authority has no objection to the proposed four junction revisions including the provision of a mini-roundabout. Although not fully compliant with all matters of highway standards, the Highway Authority consider that arrangements are acceptable in light of the current situation in this area of Stansted. The provision of a new pedestrian crossing on Lower Street is also welcomed by the Highway Authority.
- 11.3 The revised junction arrangements and provision of the pedestrian crossing has resulted in the loss of three on-street car parking spaces. The Local Highways Authority have confirmed that the loss of these spaces is adequately compensated by the redesign of the public car park. This redesigned car parking does provide adequate car parking spaces to serve the proposed development.
- 11.4 The concerns of English Heritage with regards the impact of the proposal upon the adjacent Stansted Mountfitchett Conservation Area and Ancient Monument are an important consideration in determining this application and must be given appropriate weight. However, their views must be considered in the context of the setting of the settlement and the current usage of the Scheduled Ancient Monument. The views of the parish council would also be pertinent in this case.
- 11.5 The general public benefits by the provision of the health centre and other enabling development within this proposal, is a significant material consideration when determining this application. On balance it is considered that these general benefits outweigh the general concerns raised by English Heritage.

## **RECOMMENDATION- CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION**

The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph II unless by 30 November 2012 the freehold owner enters into a binding agreement 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 agreement to secure the following

1. No development until lease for letting of health centre secure with Primary Care Trust (or equivalent)
2. No occupation of either the retail or residential elements until health centre element has been provided and operated by PCT (or equivalent)
3. Highway Improvements Prior to Occupation:
  - a. The provision and implementation of improvements to the junction of B1051 Chapel Hill/B1351 Lower Street/Station Road/Church Road/car park access road, as shown in principle on the submitted drawing numbered: HTTC/KAB/55. Such improvements are to include but are not restricted to the realignment of the kerb lines on Station Road, Church Road and the car park access road, widening of the car park access road to 5.5m minimum together with a new 1.8m minimum footway on the north side and a new 2.8m minimum footway on the south side, carriageway reconstruction, surfacing and drainage, provision and implementation of a new zebra crossing on the B1351 Lower Street and the provision and installation of all TROs, street lighting, signing and lining deemed necessary in connection with the improvements proposed. All details are subject to the necessary safety audits and design checks and are to be agreed by the Highway Authority.
  - b. The removal of the existing on-street car parking area on the west side of the B1351 Lower Street and the revision of the existing TRO as required in relation to such, to facilitate the safe manoeuvre of large vehicles turning out of the car park access road. All details to be agreed by the Highway Authority
  - c. The existing parking area to be redesigned and laid out in accordance with Essex County Council's Parking Standards Design and Good Practice document published September 2009. The parking area is to include the provision of 11 bus/coach parking spaces together with adequate turning space for all vehicles regularly visiting the site. All details to be agreed by the Local Planning Authority.
  - d. Provision of convenient, covered and secure cycle parking spaces within the proposed development site in accordance with the Parking Standards – Design and Good Practice, September 2009.
4. Provision and implementation of a Travel Plan for sustainable transport in connection with the retail and medical centre aspects of the proposed development, together with £3000 non-returnable monitoring fee to be deposited to Essex County Council.
5. Contributions to Primary School Education
6. Provision of CCTV within car park

### Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

REASON: In the interests of the appearance of the development and conservation area, in accordance with Policy ENV1 of the Uttlesford Local Plan (adopted 2005).

3. Before development commences details of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development/works shall be implemented in accordance with the approved details. Subsequently, the external surfaces shall not be changed without the prior written consent of the local planning authority.

REASON: In the interests of the appearance of the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

4. The first floor of the premises shall be used for a Health Centre and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: To ensure the delivery of an appropriate mixed development in accordance with Policy SM3 of the Uttlesford Local Plan (adopted 2005).

5. Construction work shall not begin until a scheme for protecting the proposed noise sensitive development from noise from the railway has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before any part of the noise sensitive development is occupied. The scheme may involve the layout of noise sensitive areas and/or the provision of insulation and/or ventilation measures and shall be designed to achieve the following internal noise target: Bedrooms (2300 to 0700) 35dB LAeq. All demolition and construction work shall be carried out in accordance with the Uttlesford Code of Development Practice.

REASON: To protect the amenity of neighbouring properties and to comply with policies GEN2 and GEN4 of the Uttlesford Local Plan.

6. Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately and an ecological consultant or the Council's ecological advisor contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

REASON: To safeguard protected species and to comply with policy GEN7 of the Uttlesford Local Plan.

7. Prior to the erection of the development hereby approved (not including footings and foundations) a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before [the use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in

accordance with a timetable agreed in writing with the local planning authority].  
Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the site and area in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

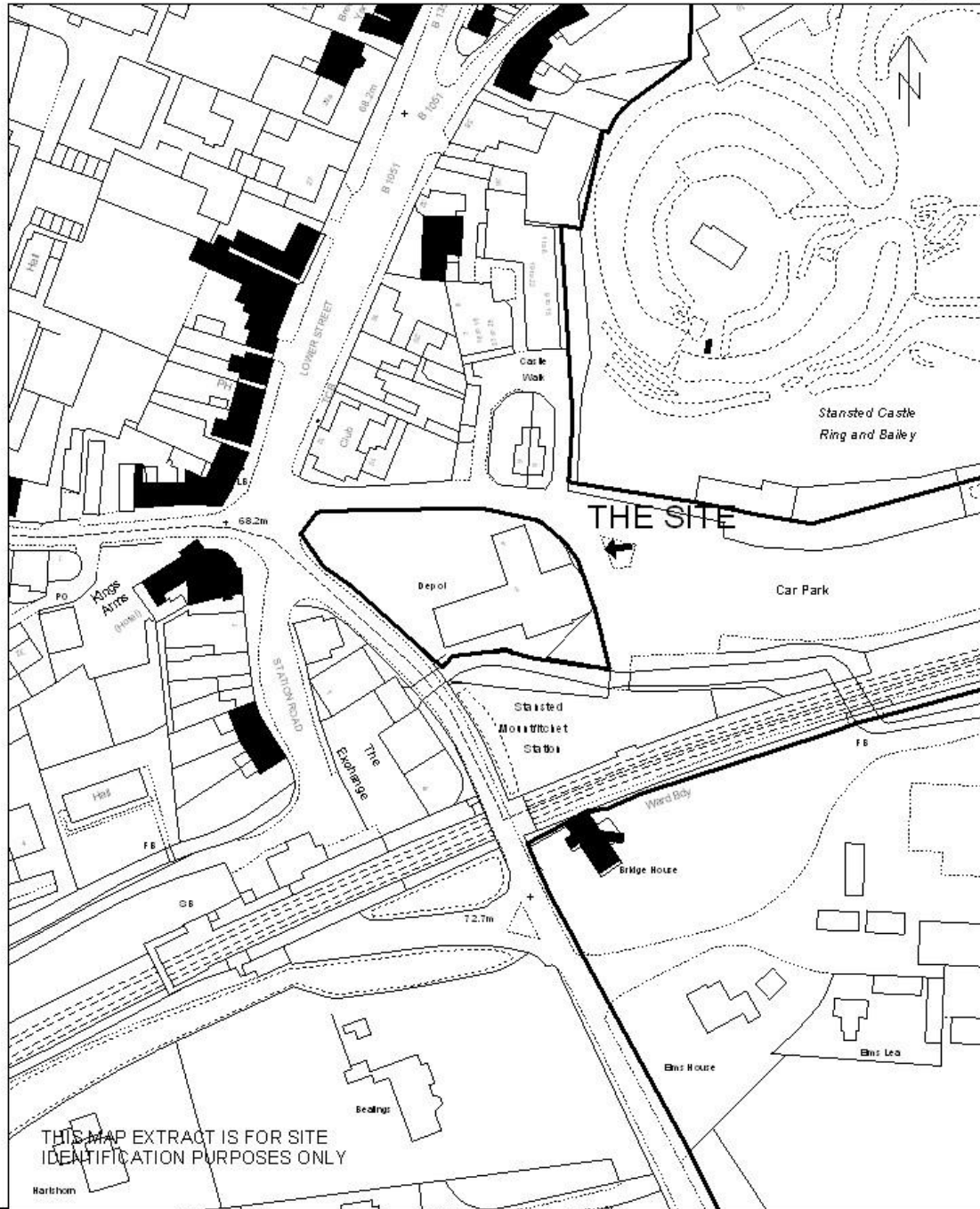
8. Details, including acoustic specification, of all fixed plant, machinery and equipment associated with air moving equipment, compressors, generators or plant or equipment of a like kind installed within the site, shall be submitted to and approved by the local planning authority in writing before installation.

REASON In the interests of the appearance of the site and area in accordance with Policy GEN2 & GEN 4 of the Uttlesford Local Plan (adopted 2005).

9. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.





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DATE 16/05/2012

MAP REFERENCE: TL5124 NW

SCALE 1:1250