

**UTT/13/1126/FUL (STANSTED)**

(MAJOR APPLICATION)

**PROPOSAL:**                **Mixed use development comprising 14 No. dwellings, ground floor retail unit with independent first floor office and 2.5 storey commercial building including associated garages, car parking and landscaping**

**LOCATION:**                **Rear Of 14 Cambridge Road, Stansted**

**APPLICANT:**            **Land Charter Stansted Ltd**

**AGENT:**                 **Wincer Kievenaar LLP**

**EXPIRY DATE:**        **8 August 2013**

**CASE OFFICER:**       **Maria Tourvas**

**1. NOTATION**

- 1.1 Within Development Limits, Part protected Retail Frontage/Town Centre Policy SM1, adjacent to Grade II listed buildings

**2. DESCRIPTION OF SITE**

- 2.1 The site is predominantly set back off Cambridge Road to the rear of properties no. 12-30 (even). The site previously comprised a single storey shop located to the front of the site on Cambridge Road (no.14), and to the rear/centre of the application site there were a number of two-storey and single storey units (total of 8 units), of which these have since been demolished due to their poor state of repair.
- 2.2 The site covers a total area of approximately 0.43 hectares.
- 2.3 There is a 1.5m high close boarded fence to the rear of the site adjacent to the Crafton Green Car Park. There are high level conifers along the shared eastern boundary. There are also close boarded fences along the northwest, north and northeast, with slightly lower fencing along the northeast boundary, which relate to two-storey houses fronting Clarence Road.
- 2.5 Fronting Cambridge, there is a Tesco's store, a back clinic and Co-operative food store that back onto the application site. There is also a row of semi-detached single family dwellings. Half of this row of houses is Grade II Listed.
- 2.6 To the south of the application is the Crafton Green Car Park also consists of the local clinic and library. Also there is Geneva Motors to adjacent to the Car Park partly fronting Cambridge Road
- 2.7 The site's access is taken from Cambridge Road.

**3. PROPOSAL**

- 3.1 The application is for the proposed erection of a mixed use development comprising 14 No. dwellings, ground floor unit which would have flexible use of retail (Class A1)/ Professional and Financial Services (Class A2) with independent first floor office and 2.5 storey commercial building including associated garages, car parking and

landscaping.

- 3.2 The proposed scheme is for a two-storey building fronting the Cambridge Road. This would have a height of 8.7m and having a pitched roof and a traditional design form. This would have a retail shop frontage on the ground floor accessed from both Cambridge Road and the Mew entrance into the site. The first floor is proposed to be for Class B1 Office space. It is proposed that there would be a dual principle frontage by having windows and shop frontage on the mews entrance. The rear elevation of this building would have three windows which would serve toilets and a landing window. Two parking spaces have been provided for this unit as a whole.
- 3.3 A second commercial unit is proposed as part of the scheme of which would be located adjacent to the Co-Op to the northern boundary and to the rear of Tesco's. This unit would comprise of three floors, the third floor located in the Apex of the double pitched roof. This would form a bookend to the proposed row of terrace housing located to the northern side of the entrance into the site. There is a possibility for these units to be used as business start-up units.
- 3.4 This would have a shop front appearance on the ground floor. The building would have a ridge height of 10.4m and 6m to the eaves. The unit is proposed for Class B1 purposes. A total of 477.6 square metres of commercial floorspace is proposed.
- 3.5 The application also consists of 14 dwellings. Dwelling units R1, R2, R11, R12, R12 and R14 are proposed to be in the style of town houses whereby open ended garages which would perform like an undercroft which would allow an additional parking space to be utilised at the rear of the property. House type F – Unit R3 has been designated to be a wheelchair accessible unit.
- 3.6 The proposed heights of the dwellings would vary between 8.4m - 10.4m. The proposed garages and carports would have dimensions of 3 x 7m.
- 3.7 The proposed units would breakdown to the following;

| Dwelling unit Number | Number of Bedrooms | Number of Parking Spaces | Garden Amenity Size |
|----------------------|--------------------|--------------------------|---------------------|
| R1                   | 4                  | 2                        | 70                  |
| R2                   | 4                  | 2                        | 57                  |
| R3                   | 4                  | 2                        | 56                  |
| R4                   | 3                  | 2                        | 53                  |
| R5                   | 3                  | 2                        | 62                  |
| R6                   | 3                  | 2                        | ✓ 106               |
| R7                   | 4                  | 3                        | ✓ 107               |
| R8                   | 4                  | 3                        | ✓ 132               |
| R9                   | 4                  | 3                        | ✓ 108               |
| R10                  | 3                  | 2                        | ➤ 87                |
| R11                  | 4                  | 2                        | ➤ 85                |
| R12                  | 2                  | 2                        | ➤ 34                |
| R13                  | 2                  | 2                        | ➤ 35                |
| R14                  | 2                  | 2                        | ✓ 83                |

#### 4. APPLICANT'S CASE

- 4.1 The site is approximately 4,300 square metres. The main aim and objective of the proposed development is to have a positive impact on the village of Stansted Mountfitchet by bringing forward a high quality mix-use development on a currently vacant brownfield site. The proposed development seeks to redevelop a vacant commercial site to provide new mews style housing and commercial units with a link footpath to the council owned land and car park which lies to the immediate south.
- 4.2 Presently this land has poor pedestrian links to the retail units along Cambridge Road, therefore the concern of residents to have the inclusion of a pedestrian link through the development site. The site is well screened from neighbouring residential areas to the north and east.
- 4.3 In preparation of the application, four meetings were held with the Parish Council between September 2012 and April 2013 as outlined below:

Meetings held with the Parish Council:

|                                 |  |
|---------------------------------|--|
| 10 <sup>th</sup> September 2012 | Councillors Closed Meeting;                        |
| 10 <sup>th</sup> January 2013   | Councillors Closed Meeting;                        |
| 16 <sup>th</sup> January 2013   | Public Presentation at the Parish Council meeting; |
| 24 <sup>th</sup> April 2013     | Economic Development meeting;                      |
| 27 <sup>th</sup> April 2013     | Public Presentation of Plans on site               |

- 4.4 A public consultation was proposed and advertised on the Parish Council website, Stansted Matter forum with multiple posters attached to the hoarding around the development.
- 4.5 The proposed development is a mixture of 2, 3 and 4 bedroom dwellings with a mixture of detached, terraced and garage linked dwellings. The residential units are solely market dwellings and will include the provision of private amenity areas for each individual dwelling. Each dwelling has been allocated a spacious floor area, with the smallest 3 bedroom dwelling proposed measuring 83 square metres in size and the largest 4 bedroom dwellings measuring up to 152 square metres in floor area.
- 4.6 There will be a commercial unit to integrate with the Cambridge Road primary frontage which will incorporate a retail ground floor (Flexible Class A1/A2 use class) and a separate accessible office (B1 Use Class) at first floor level. Another commercial unit (B1 use) will begin the north residential mews terrace at the rear of Tesco's.
- 4.7 It is proposed that the cars are hidden in the houses under croft garages keeping the streetscene clean. The dwellings within the site begin at two and half storeys to match the urban street and lower to two storeys to establish the small housing pattern.
- 4.8 The layout has been designed to accommodate the retention of an Ash tree in the northeast corner. Good boundary treatment exists to the rear of Plots 4 to 6 which is to be enhanced and maintained to offer good screening to neighbouring properties. There would be additional tree planting to the rear of Plots 11 to 14.
- 4.9 The design of the buildings follow mostly a traditional Georgian forms with a range of quality material. The means of enclosure to the front will be through railings to provide private frontages. The front elevations include both stock brickwork, weatherboarding and render elements. The frontage retail/commercial unit as a landmark location will have a traditional shop front design. Flank elevation of this unit has been fenestrated

to offer a double aspect and interest to the access road, with a balanced elevation.

- 4.10 The corner dwelling, Plot 3, will be an effective dwelling by change of materials (timber weatherboarding, pan tiles) it will show a transition and leading the development around the corner.
- 4.11 The application site is within a sustainable location in terms of its proximity of the M11, Stansted Airport, A120, and Stansted Mountfitchet Railway Station. Existing bus networks are also available along the B1383, Cambridge Road. The nearest bus stop is immediately opposite the site frontage.
- 4.12 The site will comply with Part M of the Building Regulations. A unit has been identified within the layout for wheelchair accessible use. Each dwelling is provided with suitable sized gardens for the provision of supervised play.
- 4.13 There is a suitable provision for a turning head. The density of the site is compatible with recommended standards in the National Planning Policy Framework and the Essex Design Guide.
- 4.14 The applicant has submitted a letter in response the third party representations received following the consultation of the application, dated 5 July 2013. This highlighted that the scheme is not high density at 35 units per hectare. The offices and retail elements of the scheme will deliver the employment options and will double the number recently employed on site, this will be alongside what is proposed on adjacent sites, and parking can be controlled. Pure employment site is not deliverable on this site as it is not viable. However, new commercial premises will be offered at realistic market prices. The traffic movements from the site will be less than any pure potential commercial use. Customer/shoppers parking relief is down to the Parish Council. Building regulations will be complied with in terms of disability access into commercial units.
- 4.15 With regards to commercial delivery option (Co-Op & Tesco's) considerable time has been spent discussing the issue with Highways and could not find a safe solution with regards to entry and egress from the site, furthermore anecdotal evidence is that the majority of delivery drivers are unlikely to make use of a rear delivery facility. The scheme does not prevent the implementation of any scheme to come forward on the adjacent sites. This scheme now includes more employment uses.
- 4.16 With regard to the letter that was submitted by Barker Parry on behalf of residents the following response was submitted by the applicant;
- "Our proposal complies with the principle of 'Place Services' Urban Design assessment of the development opportunity sites, which has been prepared on the request of UDC...Both the Carter Jonas & Place Services assessment promote mixed use development on our site adjacent. The assessments talk about not restricting redevelopment of the adjacent sites, if separate schemes are progressed....Additional employment unit (is) included in proposals, footpath link to the south and consideration of the adjacent site and redevelopment opportunity, which is why the master plan was submitted with the application, to comply with the 'Place Services' Assessment. The application proposals and master plan demonstrate how both the residential and employment uses can be achieved, and considering that the site to the south has been submitted further commercial development complimenting the existing use, it would seem sensible that the residential is achieved elsewhere.*
- 4.17 *Barker Parry incorrectly state that our development is 100% residential. Our scheme is not 100% residential. We are proposing 411sqm of employment which could*

*realistically deliver 20/30 employees. This is 2/3 times more than were previously employed on the site.*

- 4.18 *Barker Parry acknowledges that a lower provision of parking maybe provided in urban areas where there is good access to alternative forms of transport and existing car parking facilities. The site is clearly well serviced by public transport and our new proposed footpath link to the Crafton Green car park provides excellent access to parking. A week long survey of the Crafton Car park has shown between 70% and 40% space capacity between 9am-1pm.*
- 4.19 *Refer to 'Place Services' proposed garden sizes, 32sqm for 2 bedroom, 80sqm for 3 bed house and 85sqm for 4 bed house. We are broadly in line with this. This is also something discussed ....prior to submission (whereby) a common sense approach should be taken within with what is considered a town centre site.*
- 4.20 *The Carter Jonas and Place Services refer to the combined sites as a mixed use potential. We have demonstrated by virtue of our interpretation of the master plan that residential employment uses and parking can be delivered across all three sites. We have made efforts to not restrict the future development of the adjacent site, indicating potential future linkage. We have not prejudiced future use of any of the adjacent land. Indeed we wholly support the adjacent workshop which clearly further underwrites and supports the principles of on-going employment and residential uses a long side each other. As a B1(c) use policy GEN4 (of the adopted Local Plan) is applicable and the adjacent applicant has confirmed compliance therewith. Furthermore the scale and design of the building proposed is not obtrusive on the proposed residential development. The areas proposed have the potential to employ a further 15/20 staff with ample on-site parking.*
- 4.21 *All house types comply with lifetime homes, with the exception of A & G, which equates to only 3 units out of the 14. Also we are providing a wheelchair accessible unit."*

## **5. RELEVANT SITE HISTORY**

- 5.1 Member's will remember this scheme being presented at the Planning Committee 30 May 2012 under UTT/0215/12/FUL. The scheme under the previously involved the following;
- i) The demolition of 8no. existing employment buildings and the erection of 14no. residential dwellings.
  - ii) Mixture of detached and semi-detached two-storey properties with associated garage provision.
  - iii) The erection of a new retail unit with office space over, two-storeys fronting Cambridge Road.
  - iv) Associated car parking for both the residential and commercial unit and landscaping.
  - v) 6 x 3 bedroom units, 4x 4 bedroom units and 4 x 5 bedroom units.
  - vi) Plot 6 is proposed to be a designated wheelchair unit, capable of being wheel chair adaptable.
  - vii) A 5 bar timber gate is proposed along the front access of the site, setback from the main road.
- 5.2 The above application was refused on the grounds of "The proposed development would be unsuitable on land which could otherwise be used for employment purposes. The proposed scheme would lead to an overdevelopment of the site contrary to the general character of the area. The proposed is therefore contrary to Policies GEN2,

GEN4 and E4 of the Uttlesford Local Plan 2005.”

- 5.3 A revised application had been submitted (UTT/1193/12/FUL) “for the Demolition of existing buildings and erection of 14 no. dwellings, retail and office unit, and associated garages, car parking, landscaping and footpath” incorporating the following;
- i) Removal the proposed access gates;
  - ii) Introduction of an access path between adjacent Car Park and the site;
  - iii) The transport statement has been updated no changes in terms of vehicle numbers;
  - iv) Further information has been submitted with regard to the existing tenant arrangements on site and an update has been provided in relation to the available commercial premises in the locality and the condition of the buildings on site.
- 5.4 Planning permission was refused 26 July 2012 by Planning Committee on the grounds “The proposed development would be unsuitable on land which could otherwise be used for employment purposes. The proposed scheme would lead to an overdevelopment of the site contrary to the general character of the area. The proposed is therefore contrary to Policies GEN2, GEN4 and E2 of the Uttlesford Local Plan 2005.”
- 5.5 An application has been received for prior approval for demolition consent for various buildings on site (UTT/12/6142/DEM) no objection was raised 18/1/13. Since this time the existing buildings that were on site have been demolished and the site has been cleared.
- 5.6 Since the submission of this application (9<sup>th</sup> May 2013) a planning application has been submitted on the adjacent neighbouring site (10 Cambridge Road, 12 June 2013) for the ‘Proposed extension to existing showroom to create a tyre, exhaust and repair facility and the additional showroom with office over’ (UTT/13/1456/FUL). An application has also since been received dated 29 July 2013 for the Stansted Library for the proposed “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”. (UTT/13/2027/FUL). These are both currently under consideration.

## **6. POLICIES**

### **6.1 National Policies**

National Planning Policy Framework

### **6.2 Uttlesford District Local Plan 2005**

S1 – Development Limits for the Main Urban Areas

SM1 – Local Centres

E1 - Distribution of Employment Land

E2 – Safeguarding Employment Land

RS1 - Access to Retailing and Services

RS2– Town and Local Centres

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN6 - Infrastructure Provision to Support Development  
 GEN7 - Nature Conservation  
 GEN8 – Vehicle Parking Standards  
 ENV2 - Development Affecting Listed Buildings  
 ENV3 - Open Spaces and Trees  
 ENV12 –Protection of Water Resources  
 ENV14 – Contaminated Land  
 ENV15- Renewable Energy  
 H1 - Housing Development  
 H3 - New Houses within Development Limits  
 H4 - Backland Development  
 H10 - Housing Mix

### **6.3 Uttlesford District DRAFT Local Plan**

Stansted Mountfitchet Policy 2 - 14-28 Cambridge Road

### **6.4 Stansted Mountfitchet Community Plan (2011)**

The document identified that Stansted has enlarged over the years and states that any further attempts to significantly enlarge Stansted would be resisted. The Plan identifies that the Uttlesford District Council's Strategic Housing and Land Availability Assessment (SHLAA) identifies a number of sites that could potentially bring forward housing schemes one of those sites identified is the subject application site and it is stated that the Parish Council agrees with this site (page 13 of Community Plan).

### **6.5 Urban Design Assessment of Development Opportunity Sites (Place Services - Essex County Council) (January 2012, presented to the LDF Working Group 8 February 2013)**

- 6.5.1 Work has been undertaken by ECC Urban Design in terms of appraising the application in conjunction with the wider adjacent sites (rear of Cambridge Road, Chapel Hill and Crafton Green). These have been seen as an area of development opportunity. The document has concluded the following:
- 6.5.2 "Through the process of viability testing, context analysis and urban design appraisal, the future development potential of the site has been explored and development principles established.
- 6.5.3 This document sets out the principles for the future development of the site, ensuring that any development fits into the surrounding context, while providing the town with a suitable mix of uses which meets the needs and the requirements for the future growth of Stansted Mountfitchet.
- 6.5.4 Following summary set outs the key development principles future proposals will need to address:
  - A comprehensive development of the site would be the only way to ensure a mix of development uses which would benefit and enhance the future of Stansted Mountfitchet.
  - Future development proposals need to be suitably phased, taking a regard for land ownership, development mix and viability
  - Connecting Cambridge Road with Crafton Green possibly as a one way or part one way rout
  - Sustaining the current levels of public car parking while exploring more convenient locations for accessing Cambridge Road and the businesses, retail and community facilities on site

- Creating a convenient, safe and direct pedestrian route to the retail units on Cambridge Road
- Suitable residential development which reflects the immediate context of the site to be located adjacent to the surrounding areas with adequate parking
- Establish additional retail/commercial units to the rear of the existing units fronting Cambridge Road
- Improvements to servicing/delivery arrangements to existing food retailers on Cambridge Road to alleviate congestion

**6.6 Assessment of Development Opportunity Sites (Study undertaken by Carter Jonas on behalf of UDC November 2012, presented to LDF Working Group 22 November 2012)**

- 6.6.1 This study looked at the same site as the study above, Urban Design Assessment of Development Opportunity Sites, and focuses upon the financial viability of the site. The study made reference to the subject site of this application and referred to the two previous planning applications. The report by Carter Jonas stated *"The Officer's report (for UTT/1193/12/FUL) highlights the occupancy difficulties in the properties in the vicinity which have a high vacancy rate supported by a report from Mullucks Wells. The opening of the Tesco's Express has probably increased visitors to Cambridge Road but also exacerbated the traffic issues on Cambridge Road from short term parking on the public highway. The public car park at the rear is probably not deemed 'convenient' for very brief visits and there is no direct access through to Cambridge Road, though the proposed development would have provided links from the existing car park at the rear. Rental levels and demand in Stansted would not support speculative development either for retail or office use so that the prospects of the provision of new retail development on Cambridge Road is therefore only likely as part of a larger scheme, probably including some residential to improve viability.*
- 6.6.2 ***The site would be capable of development for B1 commercial space but demand would tend to be for industrial end of the spectrum with single storey units with an office element. Such a development would seem inappropriate for this central location and more appropriate to an 'out of town' location where the traffic movements from commercial vehicles would be less intrusive.***
- 6.6.3 *An allocation for town centre uses across the whole site is unlikely to find developers interested in resolving any ownership issues and promoting any scheme for the site. This could leave the northern part of the site derelict whilst the southern part of the site would continue with its existing uses. In time there will be occupiers looking for space in the centre and it is important for the future of Stansted that space for them is retained but this would not require a site of this size.*
- 6.6.4 *However, the allocation does provide an opportunity for the preparation of a comprehensive plan for the redevelopment of the site which can properly address the needs of the village as a whole providing new retail units on Cambridge Road with proper links to adequate car parking, space for new town centre related development **and could also include some residential development on part of the site which would support some of the less commercially viable town centre uses.** Any such proposals would also need to consider the existing community services on the site and how these are to be maintained. We would recommend that the site be extended to include the vacant former 'You're Furnished' unit which was part of the recent planning application. This could provide an entrance into the new development and improve traffic flows on Cambridge Road and is shown shaded yellow on the Council's allocation plan attached.*



- 6.6.5 ***Speculative development on the site is unlikely and development will only occur in response to an identified need. A comprehensive scheme would be viable if it includes an element of residential and could create new retail units on Cambridge Road, improved access to relieve congestion on Cambridge Road and identify sites ready for other town centre uses when the occupiers are identified.***
- 6.6.6 *The allocation of this site should provide an opportunity for this important part of the Village to be considered as a whole. Development may well include some residential use but piecemeal development is unlikely to secure the benefits that this part of the Village urgently requires."*

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

- 7.1 Members object to this application and reiterate previous reasons as the plan has not changed significantly from the previous applications.
- 7.2 Issue regarding loss of a commercial/employment site from the centre of our village. If this consent is granted, the land will be lost to residential forever. Now have the numbers proposed for Stansted under the LDF, Parish Council is actively working on a master plan for the centre of our village to ensure its vitality and economic viability into the long-term. This is one of the three sites proposed for residential development under the LDF, seems premature to determine the application.
- 7.3 Reference is made to the following application Clavering (UTT/2149/11/OP) and asks for the refusal of the application for the same reasons they stated on the decision note for 0215/12/FUL as being contrary to planning policies GEN2, GEN4 and E2.
- 7.4 Members agreed to support the Economic Development group's comments submitted by the Economic Development working group on 16 June 2013.

## **8. CONSULTATIONS**

### **Thames Water**

- 8.1 No objection, details of surface water strategy and proposed foul water, primarily on site drainage details to the point of connection with the existing system

### **Environmental Health**

- 8.2 Contamination report indicates that the site consists of contamination therefore should planning permission be granted a contamination condition is requested.

### **Environment Agency**

- 8.3 No objection subject to conditions.

### **ECC Highways Authority**

- 8.4 No objection subject to conditions.

### **ECC Education**

- 8.5 Seek financial contribution of £43,789 for primary provision and £14,950 for early years, total provision of £58,739.

## **Equalities and Access Officer**

- 8.6 Comments dated 3 June 2013: Further to our discussions on this site, I have reviewed the plans and would advise accordingly.
- 8.6.1 House Type A WC does not comply. There is no provision for a through floor lift.
- 8.6.2 House Type B Layout works and through floors lift is shown. Is this house type to be the wheelchair accessible unit? R5 on the proposed Site plan says it is, where is the undercover parking for the plot and glazing heights need to be confirmed.
- 8.6.3 House Type C WC does not comply. There is no provision for a through floor lift.
- 8.6.4 House Type D Layout is acceptable
- 8.6.5 House Type E Layout is unacceptable as far as the Standard for Lifetime Homes is concerned. The only rooms on the ground floor are a kitchen and a WC. There is no provision for a through floor lift.
- 8.6.6 House Type F This layout would meet the criteria as long as there are no steps into the sitting room and into the bedrooms.
- 8.6.7 House Type G No plan included, noted on the proposed site plan as R14, but appears to be the same as House Type E and therefore unacceptable.
- 8.6.8 Design and Access Statement states there is a commitment to the SPD on Lifetime Homes, the drawings do not reflect this. Little information on the drawings to support this. More information is required on Wheelchair Accessible Unit before this can progress further. If the Wheelchair Accessible Unit is confirmed, need to condition that the plot is marketed in all the literature as this unit and that there is a commitment from the developer to adapt the property up to the sum of £8,500.
- 8.6.9 Comments dated 2 July 2013: The revision to the drawing for House Type A, B and Care now acceptable.
- 8.6.10 House Type E and G remains unacceptable. Only accommodation on the entrance level is a kitchen and WC, no other habitable rooms. Does not meet the requirements of the Lifetime Homes Standard. No space for a through floor lift to access the other levels.
- 8.6.11 House Type F will meet the wheelchair accessible standard. This will need to be marketed as the 'wheelchair accessible unit' with the usual condition applied, that any adaptations up to the sum of £8,500 will be met by the developer.

## **Affinity Water**

- 8.7 Application site is located within a ground water protection zone. Any construction work should be carried out in accordance with British Standards.

## **NHS property Services**

- 8.8 Scheme is unlikely to have a significant impact upon the capacity for healthcare facilities and services within the GP catchment area of the development therefore do not raise any objections.

## Uttlesford Area Access Group

- 8.9 Whilst the residential units indicate compliance with Lifetime Homes and Wheelchair Accessible Housing Standards there is no indication that any provision to provide suitable access and facilities for disabled persons has been included in the retail and office units. This should be addressed within the Design and Access Statement and measures indicated on the plans.

## 9. REPRESENTATIONS

- 9.1 The neighbouring properties have been consulted of the application. The scheme has been advertised on site and within the local press. (Expiry date 21 June 2013). Following the consultation process 11 individual objections, 1 letter of general comment, 1 letter of support have been received, also representation have been received from Councillor Dean, Parish Councillor Samantha Dunn, Barker Parry on behalf of 50 Stansted Residents and Stansted Economic Working Group. These have raised the following points;

Objection on the following grounds;

- Site should be retained for commercial purposes and use for the community such as starter units, parking and unloading for the supermarket stores;
- Area should be linked to carpark;
- Some residential is acceptable;
- Do not meet Lifetime Homes Standard;
- Overdevelopment of site;
- Undesirable are to live;
- No affordable housing;
- Pedestrian and highway safety;
- Congestion;
- Parking and traffic problems;
- Protective barriers should be placed across entrance;
- Access should be taken from Crafton Green rd;
- No parking agreement with retailers to alleviate on street parking;
- Blue outline on master plans gives a false impression of scheme and should be deleted.
- Already many empty commercial properties with no sign of imminent letting no need for further retail;
- Although there is a need for housing this is poorly designed small gardens and parking;
- Need to increased education and healthcare capacity;
- Imbalance between residential and commercial mix;
- This would set a precedent for other commercial sites;
- Insufficient car parking for the commercial properties;
- Indicative master plan submitted raised concern in terms of impact upon car park, Day Centre and Library;
- No employment opportunities for local people;
- Need for small affordable business units which would create local jobs;
- Site has not been abandoned;
- previous applications refused;
- Stansted Business Forum (SBF) discovered there are many businesses in Stansted who operate from home and are unable to grow and they are "stuck" between the "Home office" position (low overheads, no shopfront, little space etc.) and the leap to engage in the next stage of business development that requires a small shop, unit

above a shop or small unit in an industrial estate (greater overheads, business rates, contract term commitments, staffing etc.).

- There is clearly a need to facilitate the growth of these businesses by providing a full serviced type office facility and support services.
- Do not consider a comprehensive development of the entire area to be necessary, the masterplan is most misleading in the sense that there is no agreement with adjoining owners.
- Even if there is agreement there would be inadequate parking provision to serve existing.
- 31 car parking spaces are shown serving 14 dwellings. Many accessed through internal garages and are effectively located in tiny back gardens.
- The application varies little from previous applications that have been refused.
- Believe that residential development of an appropriate scale and type, including retirement housing with relatively limited car parking would be acceptable on this site in isolation without the need for it to be part of a wider comprehensive scheme, provided other important objectives are achieved, in particular a pedestrian route to and from the Crafton Green car park to Cambridge Road.
- Development which is compatible with the existing town centre environment of an appropriate scale and type incorporating a pedestrian link through to Cambridge Road will complement existing businesses, help to achieve economic growth and improve the town centre environment.

Support application for the following reasons;

- During the past 18 months a number of development applications have been submitted for this site, they have been all dwelling or mixed use, all have been rejected. Along Cambridge Road there are a number of commercial properties which have been empty for many years, one large building, initially constructed for commercial use has been converted into apartments because, as a commercial building it could not be let. Reality being that this area is not drawing companies to it. This proposal of 14 dwellings and a few commercial buildings is the best possible compromise.
- Articulated lorries from the supermarket stores would be unable to enter in and out of the site safely due to their size.
- With pedestrian safety in mind I would strongly suggest that "Rumble bricks" are fitted on the entrance surface to encourage slow exit and entrance speed.

9.2 Parish Councillor Ms Dunn: Stansted Mountfichet is a village and not a town.

Object strongly to application for the following reasons:

- Overdevelopment;
- No employment options;
- Restricted visibility splays, highway safety;
- Site should remain purely commercial

9.3 Barker Parry on behalf of Stansted Residents:

9.3.1 Design and Access Statement pays little regard to the previous refused applications and how the current scheme overcomes its reasons for refusal;

9.3.2 This application is similar to the other schemes;

9.3.3 Design and Access Statement pays little regard to policies;

- 9.3.4 Refers to development in the south which is unclear. There is no proposal to redevelop the land to the south;
- 9.3.5 The proposal plan shows little denotation;
- 9.3.6 Land indicated to the front of the site (Cambridge Rd proposed for ground floor shop, offices and dwelling with garden to rear technically complies with Local Plan Policies RS2 and SM1 however this also needs to be seen that it still forms part of the commercial centre. As per the previous refusals under Policies GEN2, GEN4 and E2 this scheme conflicts with this, particularly as there is little difference with the previous applications.
- 9.3.7 Draft Local Plan identifies Stansted as a second tier settlement and second tier retail centre.
- 9.3.8 Draft Local Plan identified this site and the adjacent 10 Cambridge Road to be allocated for a minimum of 11 dwellings. The Position Statement released in March 2013 deletes both policies and refers to development opportunities. There is therefore a shift away from the acceptance of 100% residential in these central sites.
- 9.3.9 The NPPF should be read as one whole document. Majority of the site enjoys no specific allocation and a section at the front enjoys policy protection. Policy E2 allows development of employment land where it is abandoned or employment harms character and amenity. The use has not been abandoned. The application is silent in demonstrating no demand for business. There is no justification for housing or how the scheme overcomes previous reasons for refusal. There is a change in the council's position on that the land is no longer proposed to be allocated for housing which further weakens applicant's case.
- 9.3.10 This scheme still forms over development, fitting more development than the previous applications this is demonstrated in the parking, garden size, proximity to boundaries and availability of sunlight/daylight.
- 9.3.11 Whilst policy allows some flexibility in parking provision in main urban areas, however the current on-street parking is oversubscribed.
- 9.3.12 Garaged comply with size requirement and the parking spaces are adequate apart from the 4 bedroom dwellings where not all provide 3 spaces. Garden spaces are inadequate and parking spaces are provided in these areas, short gardens provided.
- 9.3.13 Scheme would compromise development for the adjacent site and in terms of sunlight daylight. Not all 14 units comply with Lifetime Homes Standards.

#### 9.4 Cllr Dean & Stansted Economic Working Group:

- 9.4.1 Objects to application as it does not meet the aims for a comprehensive re-development as one of a 3 part Development Opportunity Site. The application contains a master plan for the adjacent site without the means for delivery and the scheme varies little from the previous applications that have been refused.
- 9.4.2 The principles of development opportunities have been agreed by working group members 5 February 2013 and subsequently endorsed by the Parish Council that it is a place to do business, no scheme should permit traffic onto Cambridge Road from besides Tesco's, achieve off road delivery bay for Tesco's, should have through route from Cambridge Road to Crafton Green Road, maximise community facilities on the 3 sites and maximise employment on the application site, adequate parking should be

provided for future uses. A scheme that is largely housing on the application site will prevent objectives being met.

9.4.3 NPPF promotes sustainable development where the site is adjacent to other commercial uses it would meet the need of the commercial centre. There would be minimal economic benefit from the housing. It would not be constructive to declare a Development Opportunity Site and then approve the first application that comes along.

9.4.4 The occupancy level of empty properties has increased as well as the use of the public car park. The site has not been marketed as a site for Development Opportunity. It is agreed that the residential development can play an important role in ensuring vitality of centres but most of Stansted's existing residential development is within close walking distance of the town centre. Providing more residential would bring minimal benefit to the town centre, which would prevent delivery of an effective master plan.

9.5 A letter has been received Nockolds Solicitors (dated 19 July 2013) confirming that their clients had put forward an offer to purchase the application site (29 November 2012) with the intention of continued commercial/employment element use of the property and to refurbish the two large warehouse buildings which was initially accepted however had fallen through for a higher offer.

## **10. APPRAISAL**

10.1 The issues to consider in the determination of the application are:

- (A) Whether there is a material change or further information to overcome the previous grounds of refusal, Principle of development, and the justification relating to the loss off employment site (Local Plan Policy S1, E2 and GEN1);
- (B) Density, Scale, layout, design, amenity and sustainable construction issues (Local Plan Policies GEN2, GEN4, H10, ENV12, ENV15 & SPD: Energy Efficiency and Renewable Energy);
- (C) Highways, Accessibility and Parking (Local Plan Policies GEN1, ENV13 and GEN8);
- (D) Contaminated land issues, Flood risk issues, Impact on biodiversity (Local Plan Policy ENV14, GEN3 and GEN7);
- (E) Other material considerations:

### **A Whether there is a material change or further information to overcome the previous grounds of refusal, principle of development, and the justification relating to the loss of employment site**

10.2 The Stansted Mountfitchet Community Plan was produced by the Parish Council, following extensive consultation with residents, in 2011. The district council has adopted the plan as approved guidance for determining planning applications. The Community Plan also has identified the application site for housing.

10.3 The NPPF supports the provision and delivery of new homes with a presumption in favour of sustainable development, of which the proposed development would utilise a brownfield site within development limits. NPPF paragraph 51 states *"LPAs.....should normally approve planning applications for change of use to residential use and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would not be appropriate."*

10.4 The NPPF also states in paragraph 23 relating to ensuring vitality of town centres

amongst other things “*recognise that residential development can play an important role in ensuring vitality of centres and set out policies to encourage residential development on appropriate sites...where town centres are on the decline, local planning authorities should plan positively for their future to encourage economic activity.*”

- 10.5 The site is within the Development Limit of Stansted on previously developed land (brownfield) where in principle development is acceptable, subject to compliance with other policies of the Local Plan. The site is located within a sustainable location which is easily accessible by other forms of transport other than private vehicle.
- 10.6 The draft Local Plan contains Stansted Mountfitchet Policy 2 - 14-28 Cambridge Road which has been allocated to provide a minimum of 11 residential dwellings, to provide a mixed and balance community, footpath link between Cambridge Road and the Crafton Car Park.
- 10.7 The draft Local Plan has undergone its' second round of consultation. Further studies have been undertaken, such as the Carter Jonas and Place Services reports, and the document will be shortly submitted to the Planning Inspectorate for examination. This document holds some weight and it is a material consideration.
- 10.8 A Position Statement had been released March 2013 which deleted Policy 1 for 10 Cambridge Road and Policy 2 for 14-28 Cambridge Road and replaced them with a Development Opportunity Site. This followed the work from Carter Jonas and Place Services, as discussed in Sections 6.5 and 6.6 above. It is reiterated that the Carter Jonas report stated that “*The site would be capable of development for B1 commercial space but demand would tend to be for industrial end of the spectrum with single storey units with an office element. Such a development would seem inappropriate for this central location and more appropriate to an ‘out of town’ location where the traffic movements from commercial vehicles would be less intrusive. An allocation for town centre uses across the whole site is unlikely to find developers interested in resolving any ownership issues and promoting any scheme for the site. This could leave the northern part of the site derelict whilst the southern part of the site would continue with its existing uses.*” It would be unreasonable to recommend an application be refused on the basis that ‘something better will come along later’ or awaiting ownership issues to be resolved. This would result in stagnating general development particularly sustainable development contrary to the essence of the NPPF.
- 10.9 There is a demand to meet the Council’s housing provision and this site has been considered within the District Council’s Strategic Housing Land Availability Assessment (SHLAA). As outlined within the NPPF Local Planning Authorities have a duty to have a 5 year land supply. The Council currently do not have that supply of delivery sites that needs to be provided. The Council’s Strategic Housing Land Availability Assessment has identified this site as suitable, available and achievable for housing.
- 10.10 The site is not an identified safeguarded site, under the adopted Local Plan, as it falls below a site area threshold of 1.0 hectare, at approximately 0.43 hectare. Local Plan Policy E2 relating to safeguarding employment land states that for sites that are not key employment sites, such as the subject application site, development will be permitted of those sites where the employment use has been abandoned or the present use harms the character and amenities of the surrounding area. The Council’s Planning Policy section previously had commented that in order for this application to be acceptable the Council has to be satisfied that:

- there is no demand for this site for business use or
- that the use proposed will generate local jobs

- 10.11 It has been demonstrated through a previous Site Marketing Assessment Report submitted with the original applications that the existing buildings on site have deteriorated through the lack of maintenance and is in need of repair. A schedule of the physical condition of the buildings has been recorded dated 1996 outlining that the buildings at the time were in need of physical repair. Twenty-six years later the buildings have further deteriorated beyond viable economic repair. As a result of this these buildings have been demolished December 2012.
- 10.12 With regards to the loss of employment whilst the site is not completely abandoned, it has been emphasised that the level of site usage has reduced over the years and is working to below its lawful operational levels both in terms of number of staff, intensity and vehicle movements.
- 10.13 The situation on the main road has changed following the introduction of Tesco which has resulted in an increase in parking, traffic, and delivery servicing issues in turn results in congestion around the sites entrance. Should the application site be used to its full lawful capacity it is capable of being both a residential amenity and a highway safety issue, with little control to mitigate this at a later date. This has been supported by the Carter Jonas report, which states that such uses are unlikely to be suitable within town centre locations. This is considered particularly the case based on the mixed nature of the commercial use of the site which has been a mixture of A1 retail, B1 office/light industrial, B2 general industrial and B8 general storage and distribution.
- 10.14 Nonetheless, the subject application would not result in a total loss of commercial use from the site as the application seeks the redevelopment and provision of a two-storey flexible consent for a retail unit/professional services units (Class A1/A2 of the Use Class) with an office over which will contribute towards the local economy and maintaining the main roads retail frontage and service provision. It is also proposed as part of this application the provision of further Class B1 office space, to the rear of Co-Op and Tesco's, which is capable of being used for the purposes of small start-up business units. It has been emphasised within the applicant's submission that the scheme is capable of providing 20/30 employees, which is stated to be 2/3 times greater than what was existing on site. It is emphasised that this could not be achieved through the pure provision of employment on site.
- 10.15 Whilst it has been argued that the site has not been actively marketed previously, due to the time period that has lapsed since the submission of the previous applications, the type of interest displayed through the nature of this and previous applications on the site, supported by the Carter Jonas and Place Services assessments, and also for the fact that the buildings have since been demolished on site this is not considered necessary nor expedient to insist or request that this is demonstrated further. It is considered that this would be unreasonable to do so.
- 10.16 In terms of the points that have been raised by the Barker Parry letter, which states that the Position Statement indicated a shift away from accepting 100% residential by deleting both policies and referring to development opportunities. This is incorrect as the change in wording reflects the LDF work which has been undertaken by ECC Urban Design (Place Services) and Carter Jonas, in terms of the aspirations for the combined sites as possible development and the viability in terms of what can actually viably be developed.
- 10.17 Baker Parry has also misinterpreted the meaning of 'development opportunity' and



what it is designed to do. The reports have been commissioned by the LPA to inform the drafting of the Local Plan. The site does not have to be advertised as a 'Development Opportunity Site'. The site has been assessed in terms of what is capable of being developed on the site and what is viable. The report has emphasised that employment would not be viable without some form of residential development on the site of which this scheme clearly provides to be able to support it. The Carter Jonas report has stated that it is unlikely that employment will come forward on its own due to the lack of viability, the lack of demand in the market and the site not being considered in a suitable location (Please refer to paragraphs 6.6.2, 6.6.4 and 6.6.5 above.)

- 10.18 An illustrative master plan has been submitted as part of the application in order to demonstrate that the proposed development would not restrict the future development of the adjacent sites and that access can be gained through the application site, to encourage pedestrian through flow into the adjacent sites and to increase the level of permeability without compromising highway and pedestrian safety.
- 10.19 The site is a brownfield site by definition located within the village development limits, with limited main road frontage. The site is identified for residential purposes both in the Stansted Mountfitchet Community Plan (2011), the Uttlesford District Council's Strategic Housing and Land Availability Assessment (SHLAA) and the Draft Local Plan (June 2012). The development in principle therefore accords with Local Plan Policies S1, E2, SM1, GEN1, RS1 and RS2, also the NPPF, Stansted Mountfitchet Community Plan, and the Draft Local Plan in line with the Position Statement and associated Assessments from Place Services and Carter Jonas. The previous reasons for refusal are not considered relevant to this application as this application is material different in terms of what it provides and in light of the additional studies that have been undertaken by Place Services and Carter Jonas.

**B Density, Scale, layout, design, amenity and sustainable construction issues (Local Plan Policies GEN2, GEN4, H10, ENV12, ENV15 & SPD: Energy Efficiency and Renewable Energy);**

- 10.20 With regards to the proposed design of the scheme the NPPF; also Local Plan Policy GEN2 seeks for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design. Policy ENV2 for Development Affecting Listed Buildings seeks for development that preserves and/or enhances their character, setting and appearance.
- 10.21 With regards as to whether the scheme would be compatible with the character of the settlement area and countryside, the scheme would see redevelopment within Development Limits; the proposed development would make more efficient use of a currently underutilised site within a brownfield locality, of which in principle is supported both by National and local plan policies.
- 10.22 The density of the proposed development would reflect that of national policy and the Essex Design Guide at 35dph. Therefore this would be compatible with the surrounding area and it is not considered to be an overdevelopment of the site within its urban setting. What the development provides on site has been designed to ensure that the scheme not only achieves a mixed use development, which would provide a mixture of employment to address the previous concerns raised on the refused applications, but it also proposes the residential to ensure that the employment element can be viably provided. The scheme accords with Local Plan Policy GEN2. Due to the site's locality and the nature and scale of the proposed

development the scheme also accords with Local Plan Policy H3 and Policy H4 (a), (c) and (d).

- 10.23 The size, scale, design and siting of the proposed dwellings, retail/office unit fronting Cambridge Road and the B1 units to the northwest of the site is acceptable. There would be no overlooking as the dwellings have been sited respecting the required back to back distances. These would be of at least 25m from existing residential dwellings located to the north (fronting Clarence Road), as outlined within the Essex Design Guide, and taking into account other dwellings which have been orientated away and/or have the benefit of heavy screening from large conifer trees. The rear dormer windows, which are proposed namely on Plots 1, 2, and 11 are sited on plots avoid direct overlooking of residential properties as the overlook commercial properties.
- 10.24 The Essex Design Guide (2005) recommends 50 square metres for up to 2 bedroom units and 100 square metres of garden space for 3 plus bedroom dwellings. Whilst there are some dwellings that fall below the recommended amenity space levels they are considered to be adequate, usable and acceptable in accordance with local plan policy as reflected within the proposed low density levels. This acceptability of lower amenity space provision within a town centre locations has been accepted by the authors of the EDG within the Place Services assessment of which for illustration purposes suggested that 2 bed town houses at 32sqm, 3 bed town houses at 80 sqm and 4 bed town houses at 85 sqm would be acceptable.
- 10.25 The proposed heights of the units would vary from 8m to 10.4m. The higher dwellings are to be located at the entrance of the site and to the rear of the site where there is a more direct back to back, and dwelling to dwelling relationship the dwellings are lower in height. Therefore, due to the siting, distances and relationship with surrounding properties the proposed heights are considered to be generally acceptable subject to a condition relating to levels should planning permission be granted.
- 10.26 With regards to the design of the scheme it would not directly relate to a specific property as this would be difficult due to the nature of the plot and its siting. The houses general appearance is well designed in nature and has been adapted to respect its neighbouring relationship. This is acceptable and considered to accord with Local Plan Policy GEN2.
- 10.27 A public footpath is designed into the scheme from Crafton Green Car Park this is in line with the Place Services assessment by allowing a link from the public car park through the development to the shops and proposed commercial units. This would be subject to the previous secure by design measures required by the Architectural Liaison Officer.
- 10.28 Due to the orientation of the proposed dwellings no impact is considered upon the setting of the listed buildings which front Cambridge Road, in accordance with Local Plan Policy ENV2.
- 10.29 Local Plan Policy H10 seeks that residential schemes provide a mixture of house sizes. It has been outlined within the Stansted Community Plan that there is a need for 2 and 3 bedroom units. The proposed development would provide be 3 x 2 bedroom units 4 x 3 bedroom units, 7x 4 bedroom units. This would provide a balance in the size of the family size units including meeting the need for 2 and 3 bedroom units, in accordance with Local Plan Policy H10 and the Community Plan. It should be noted that this application sees the omission of 5 bedroom units. Due to the site's density being in accordance with Essex Design Guide and meeting other

local plan requirements such as level of amenity, parking standards and back to back distances the number of units is an appropriate balance without compromising the proposed development overall. National guidance seeks that affordable housing is only provided in the form of a commuted sum for 15 – 24 units, 25 units or more affordable housing would need to be provided on site. There is no policy need or requirement for affordable housing. At the time of this applications submission the 'Developers Contribution' document could not be reasonably applied to seek affordable housing contribution from this site. The scheme therefore accords with both National and Local Plan Policy H10, and GEN2.

- 10.30 The proposed flexible retail unit has been designed to provide both retail/office space in order to increase and retain retail/office frontage, in accordance with Policies RS1, RS2, and E2. The design of the proposed retail/office unit fronting Cambridge Road has been designed to be sympathetic with the surrounding heights and design of the adjacent units, also to provide a streetscene frontage whilst entering into the site so it give a sense of overlooking and interaction without creating a dead wall space. The design is considered to be proportionate and in keeping with its surroundings, also an improvement to what was on site previously located here. This accords with Local Plan Policy GEN2, and NPPF.
- 10.31 Local Plan Policies GEN1 and ENV15 relating to renewable energy and the Council's Supplementary Planning Document "Energy Efficiency and Renewable Energy" in line with NPPF seeks for sustainable development both in terms of reducing carbon footprint, promoting the use of renewable energy and locating development within accessible locations that can be served by other means of transport. An Energy Strategy has been submitted in support of the application undertaken by AJ Energy Consultants Ltd. It concluded that the dwellings will comply with Part L of the Building Regulations through energy efficiency feature of air tightness and energy efficient lighting. It has also been stated that the scheme would exceed the 10% Energy Efficiency requirement by incorporating PV panels. Should planning permission be granted a condition requiring the retail/office and other commercial unit achieving BREEAM 'Very Good' rating should be imposed in accordance with Local Plan policy.
- 10.32 ULP Policy RS1 requires all retail developments to ensure that they are accessible to all in order to ensure social inclusion. While it has been confirmed that the commercial units would accord with Part M of the Building Regulations in terms of accessibility, 3 out of the 14 dwellings would not comply with Lifetime Homes Standards. This is a result of balancing the schemes requirements in terms of meeting amenity space and parking standards in this town centre location. Whilst the policy strives that all dwellings should meet lifetime homes standards the scheme achieves a designated wheelchair accessible unit R3. Such an approach has been accepted on other development sites. The scheme has been innovatively designed keeping clear the frontage as you enter into the site by having designated parking spaces behind the main dwellings frontage. Whilst it has been argued that the garage/carports would give way to being converted to habitable room space in the future it is considered that should the scheme be approved this can be conditioned. This is in accordance with sections (c) and (d) of Local Plan Policy GEN1, GEN2 and SPD Accessible Homes and Play space and the golden thread of sustainability engrained within the NPPF.

**C Highways, Accessibility and Parking (Local Plan Policies GEN1, ENV13 and GEN8);**

- 10.33 Local plan policy GEN1 states "*development will only be permitted if it meets all of the following criteria;*

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.*
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.*
- e) The development encourages movement by means other than driving a car."*

- 10.34 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework. The application site is located within/adjacent to the town centre. Immediately on Cambridge Road exiting the site there is a bus stop which provides good accessibility. The level of the site's accessibility has also been discussed in Section 4.11 of the Applicant's Case. The site accords with Local Plan Policy GEN2 and GEN1 in this respect.
- 10.35 A Transport Statement has been submitted in support of the application. This highlights the comparative difference between vehicle movements from the previous uses and the proposed development. This indicates that the proposed development would see a reduction of two-way vehicle movements within a 12 hour period by 236 and a HGV reduction of 99 vehicles. This offers a significant highway and public safety benefit to the locality, in accordance with Local Plan Policy GEN2.
- 10.36 In terms of car parking standards the Essex Parking Standards (2009) seeks for 1 car parking space for up to 2 bedroom units, 2 car parking spaces for 3 bedroom units and the Uttlesford Local Parking Standards (March 2013) seeks 3 car parking spaces for 4 plus bedroom dwellings. House units R1-3 and R11 which are for bedroom dwellings provide 2 as opposed to 3 car parking spaces.
- 10.37 For the commercial units 1 space per 20sqm of Class A1 and A2 floorspace is required (this equates to 4 car parking spaces) and for Class B1 office use 1 space per 30sqm is required (this equates to 13 spaces). Whilst the residential dwellings are marginally deficient and the commercial units are short of 15 car parking spaces the site is located within a highly accessible and sustainable area, which has access to the neighbouring public car park. The Essex Parking Standards states that "a lower parking provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities". Again, it should be emphasised that the same approach has been taken with other sites. The application submission states that a parking survey was carried out of the adjacent car park. This stated that it is not operating to its full capacity at 70% and 30%. In considering the above and considering the difference in operation in terms of parking demands between the residential and commercial elements the scheme is considered acceptable and in accordance with Policy.
- 10.38 The proposed garages and carports would have dimensions of 3 x 7m. This accords with the Essex Parking Standards (adopted 2009).
- 10.39 The Highways Authority raised no objection subject to conditions.

**D Contaminated land issues, Flood risk issues, Impact on biodiversity (Local Plan Policy ENV14, GEN3 and GEN7);**

- 10.40 The contamination report that has been submitted as part of the application

submission, this concluded that there is evidence of localised ground contamination. It is stated that there was historical tanker storage on site for fuel in the garages whilst they have been removed it is likely that this area would be required to be remediated to the northwest corner of the site. Should planning permission be granted a condition would be required to be imposed addressing this aspect, in accordance with Local Plan Policies ENV14 and GEN2, and the NPPF. No objection has been raised by Environmental Health subject to the above condition.

- 10.41 A letter has been submitted in support of the application which outlined that due to the size of the site and its location within Flood Risk Zone 1 there is not a need to undertake a Flood Risk Assessment. It was acknowledged that a previous Flood Risk Assessment was undertaken and submitted with the previous applications however related to the sustainable means of surface water management. It is stated that the conclusions of that report were appropriate and that an additional FRA would not be required. This is in accordance with Local Plan Policy GEN3 and the NPPF.
- 10.42 It has been previously confirmed that there would be sufficient capacity to accommodate the foul discharge from the site. Overall the proposed development would not significantly increase the risk of flooding or increase the risk to others.
- 10.43 There were no previous objections to the application subject to a condition being imposed relating to the seeking detail on sustainable drainage scheme together with a condition investigating exceedance flows if the storage provided is exceeded. This would accord with Local Plan Policies GEN3 and GEN2, and the NPPF.
- 10.44 This accords with Environment Agency which raised no objections subject to conditions.
- 10.45 The proposed development is not considered to detrimentally impact upon protected wildlife and the resultant scheme could improve the opportunities for encouraging wildlife, as outlined within the previous report. This accords with Local Plan Policy GEN7, and the NPPF's regarding sustainability of developments.
- 10.46 No objection has been raised by the Council's Landscape Officer. The scheme is therefore considered to accord with Local Plan Policies GEN7 and GEN2, subject to conditions being imposed relating to protective fencing and details of landscaping should planning permission be granted.

## **E Other material considerations;**

- 10.47 The development would generate a need for a contribution towards primary level and the Essex County Council Educational Services have requested a contribution of £43,789 for primary provision and £14,950 for early years, total provision of £58,739. This has been addressed through a proposed Unilateral Undertaking.

## **11. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A The site is a brownfield site by definition located within the development limits, with limited main road frontage. The application provides for a mixed use development to ensure that the development is viable in order to enable the maximum provision of employment uses. The development would provide 20/30 jobs which would see an increase of 2 to 3 times the previous levels on the site. It has been strongly emphasised both within the application submission and the independent assessment carried out by

Carter Jonas on behalf of the UDC that this can only be provided through such as mixed use scheme which contains residential.

The Carter Jonas report has stated that it is unlikely that employment will come forward on its own due to the lack of viability, the lack of demand in the market and the site not being considered in a suitable location (Please refer to paragraphs 6.6.2, 6.6.4 and 6.6.5 above). This is plainly evident by the pure nature of the historical applications on this site.

The site is identified for residential purposes both in the Stansted Mountfitchet Community Plan (2011), the Uttlesford District Council's Strategic Housing and Land Availability Assessment (SHLAA) and the Draft Local Plan (June 2012). The development in principle therefore accords with Local Plan Policies S1, E2, SM1, GEN1, RS1 and RS2, also the NPPF, Stansted Mountfitchet Community Plan, and the Draft Local Plan inline with the Position Statement and associated Assessments from Place Services and Carter Jonas.

It is re-iterated that the proposed application does not prevent the adjacent sites from coming forward and being developed, as has been suggested by representations received.

- B The size, scale, design and siting of the proposed dwellings, retail/office unit fronting Cambridge Road and the B1 units to the northwest of the site is acceptable. There would be no overlooking as the dwellings have been sited respecting the required back to back distances. A balance needs to be struck between various development requirements within such a town centre location. The aspects that need to be balanced in this case is meeting the desire to have maximum employment on the land and ensuring it is viable, meeting the needs for parking, amenity, lifetime home standards with suitable road layout, without compromising residential and visual amenity. It is considered that even with the constraints of the site, the shortfalls some of the residential units have in terms of amenity, parking and meeting Lifetime Homes Standards and the desired aspirations of the site the scheme accords with local plan policies, NPPF, and the draft local plan and associated studies undertaken by Place Services and Carter Jonas, with minimal impact upon residential and visual amenity.
- C The application site is highly accessible. The proposed development would see a reduction of two-way vehicle movements within a 12 hour period by 236 and a HGV reduction of 99 vehicles which offers a significant highway and public safety benefit to the locality, in accordance with Local Plan Policy GEN2 and GEN1.

With regards to the shortfall in parking spaces 4 in terms of the residential uses and 15 in terms of the commercial uses, the site is located within a highly sustainable area which has access to the neighbouring public car park. The Essex Parking Standards states that *"a lower parking provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities"*. The adjacent public car park has capacity to assist in providing parking. The difference in operation in terms of parking demands between the residential and commercial elements means the scheme is considered acceptable and in accordance with Policy.

No objection has been raised by the Highways Authority subject to conditions.

- D No objections or issues have been raised with regards to contamination, flood risk, surface water drainage, ecology and landscaping subject to conditions.
- E The proposed development would incur the requirement of £58,739 for the purposes of

early child care and primary care education provision.

The application for no. 10 Cambridge Road will be assessed separately in terms of its merits under planning application UTT/13/1456/FUL for the 'proposed extension of existing showroom to create tyre exhaust and repair facility and additional showroom with office over', however its relationship along the shared boundary with the proposed dwellings is considered acceptable unlikely to cause loss of light, or infringe causing overlooking based upon an existing high wall of 2.5/3m, the nature of the proposed roof and the proposed eaves height. In terms of noise nuisance this can be mitigated through insulation, and condition relating to hours of operation. There is no reason why the two uses cannot co-exist together in harmony.

**RECOMMENDATION – CONDITIONAL APPROVAL and subject to a Unilateral Undertaking regarding the provision of Education monies towards the provision of early child care and primary care for a sum of £58,739 is proposed.**

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 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.

3. Prior to the erection of the development hereby approved (not including footings and foundations and demolition) samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

4. No development shall take place (excluding demolition) until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
  - a) proposed finished levels [earthworks to be carried out]
  - b) means of enclosure
  - c) car parking layout
  - d) vehicle and pedestrian access and circulation areas
  - e) hard surfacing, other hard landscape features and materials
  - f) existing trees, hedges or other soft features to be retained
  - g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
  - h) details of planting or features to be provided to enhance the value of the development

for biodiversity and wildlife

- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details, including those relating to the pedestrian footpath

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, In accordance with Policies GEN2, GEN3, GEN4, GEN7 and GEN 8 of the Uttlesford Local Plan (adopted 2005)

5. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development, in accordance with Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

6. The Retail/Office unit hereby permitted as designed, specified and built shall achieve the equivalent of a BREEAM 'very good' rating, namely the building emissions rate (BER) achieved shall be at least 25% lower than the target emissions rate (TER) as calculated by the Building Regulations 2006 Part L2A SBEM methodology, and will incorporate other water saving and environmental features agreed with the planning authority.

The applicant will provide the planning authority with a design SBEM rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as details of water saving and other environmental features. Within four weeks following its completion, the applicant will provide a SBEM rating of the as-built building and details of water saving and other environmental features incorporated.

REASON: In the interests of the promotion of sustainable forms of development and construction and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.

7. No development shall take place until proposed levels including cross-sections of the site and adjoining land, including details of existing levels around the building(s) hereby permitted and any changes in level proposed, together with the proposed floor levels within the building(s), have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenities of neighbours and in order to minimise the visual impact of the development in the street scene. in accordance with Policies GEN2 and



GEN4 of the Uttlesford Local Plan (adopted 2005).

8. If at any time during the course of construction of the development hereby approved, a species of animal or plant (which include bats and great crested newt) that is protected under the Conservation (Natural Habitats &c Regulations 1994) is discovered, all construction or other site work shall cease until a licence to disturb any protected species has been granted by Natural England.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern.

*Protected species' are those species of plants and animals that are afforded legal protection, for example under the European Union Birds Directive and Habitats Directive (these "European Protected Species" are the highest priority for protection), or under Schedules 1, 5 and 8 of the Wildlife & Countryside Act 1981 (as amended), and the Protection of Badgers Act 1992. Developments which compromise the protection afforded European Protected Species will almost invariably require a licence from Natural England. This applies to Bats (all species) Great Crested Newt, Otter, and Dormouse.*

9. The building(s) hereby approved shall not be occupied until the roads and footpaths associated with the building(s) have been constructed to base course and surfaced in accordance with details which have been submitted to and agreed in writing by the local planning authority prior to the commencement of the development.

REASON: In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety, in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

10. Before the commencement of the development (excluding demolition) hereby approved, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the local planning authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.

REASON: To meet the District Council requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

11. The area set aside for car parking including garages/carports shall be laid out and surfaced, in accordance with a scheme which has been submitted to and agreed in writing by the local planning authority before the buildings hereby permitted are first occupied and shall be retained permanently thereafter for the vehicle parking of residents/occupiers and shall not be used for any other purpose.

REASON: To ensure a satisfactory standard of development in the interests of highway safety, in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).

12. Before the commencement of the development (excluding demolition) hereby

permitted, an accessibility statement/drawing shall be submitted to and approved in writing by the local planning authority. The details submitted shall set out measures to ensure that the buildings are accessible to all sectors of the community. The dwellings shall be designed as 'Lifetime Homes' and with one Plot to be designed to be capable of being adapted for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.

REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005.

13. Before development commences (excluding demolition) details of proposed external lighting scheme, CCTV, fencing and security measures, including those for the proposed pedestrian footpath between Crafton Car Park and the site, to reduce the potential for crime have been submitted to and approved by the Local Planning Authority.

REASON: To protect the amenities of the locality by avoiding light pollution and reducing the potential for crime related activity in accordance with Policy GEN2 of the Uttlesford Local plan (adopted 2005).

14. No development hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the former Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site and the measures taken to prevent pollution of the receiving groundwater and/o surface waters;
  - ii. Include a timetable for its implementation; and
  - iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To control the risk of flooding to the development and adjoining land in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and NPPF.

15. No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system, incorporating details investigating exceedence flows if the storage provided is exceeded shall be submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

REASON: To ensure suitable drainage for the development in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

16. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local

Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect controlled waters (Secondary A Glacial sands/gravels, Secondary A Thanet Sands and Principal Aquifer Chalk), in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

17. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: The potential pollution from 500 gallons underground tank and 1000 gallon above ground tank may have caused pollution soil and controlled water which may require remediation of the contamination, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

18. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON: The site is located in Source Protection Zone 1 of our groundwater protection policy, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

19. If, during development, contamination not previously identified is found to be present

at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

REASON: Heterogeneity of hydrogeology and historic use contamination not identified in site investigation may be present, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

20. Notwithstanding the provisions of the Town and Country Planning (General Use Class) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the hereby permitted retail unit and Office unit shall remain in use Classes A1/A2 and B1 (a) purposes only and shall not change use class without the prior written permission of the local planning authority.

REASON: To prevent the loss of employment and in order to safeguard the retail frontage in accordance with Policies GEN2, GEN4, E1, E2 and SM1 of the Uttlesford Local Plan (adopted 2005).