

## REPRESENTATION TO THE PLANNING INSPECTORATE RE:

Appeal reference: APP/C1570/W/15/3141191

Appellant's name: Foe Developments & London and Stansted Furnishing Company Limited

Uttlesford District Council reference: UTT/15/1666/FUL

I am Cllr Alan Dean, a Member of Uttlesford District Council for the Ward of Stansted North. The appealed site at 14 Cambridge Road behind the Tesco convenience store is in my ward.

### 1. PUBLIC CONCERN

The immediate vicinity of the subject site generates the highest amount of public anger and distress in Stansted Mountfitchet. This is caused by traffic congestion and parking chaos and safety fears for motorists and pedestrians.

Much of the public debate takes place on the *Stansted Matters* pages of Facebook <https://www.facebook.com/groups/stansted/> . Typical of the public's comments are:

- *One of the main issues is the entrance /exit, it is dangerous. Turning in is one thing, but turning out with little or no visibility when there are lorries parked there to say nothing of constantly parking vans and cars. Reducing the development to something smaller, creating more parking and through to Crafton Green (car park) will really help. To be honest since the whole thing has been shut, apart from cars and lorries coming at you when they are parking, as there is no barrier it has seemed safer. No vehicles coming in and out. There were not very many at all when the warehouse and other businesses were there. The area filled with residential and offices (and there are three new houses opposite behind the Wood Grill) means cars coming and going at all times of the day, as well as other ancillary traffic, rubbish lorries, post, delivery vans. Rather a worrying thought. Just always was hoping for something better for the site.*

- *I am the manager at the (xx) store in Stansted, unfortunately due to parking difficulties for customers at Coop and Tesco's they park in loading bays as there is no enforcement of this our drivers are forced to wait till they are vacant to park up and unload, there is little chance even if our trucks did a circuit to free up traffic that it would then be vacant as it is like an unwritten law that it is OK to park here, we have stood out there with cones before and it can take some 20 mins sometimes to clear the area. I do not know the answer, perhaps someone here does...*
- *The best one I've seen recently while I watched it happen was: loading bay full of parked cars, lorry waiting to reverse from bus stop. As cars left the bay, bollards were placed to stop further cars parking by the Tesco manager. As he was doing this and as the lorry was reversing some sensible driver, pulled into the bay and parked his car. I joke not. I have never seen anything like it. I mean if you cannot see a reversing lorry should you even be driving?*
- *Dorringtons, Co-op, Boots, Churchills, Tesco Express are not main high street shops; these are convenient shops minus the convenient parking spaces. There are approx 12 legal parking spaces for Stansted and surrounding population to get their forgotten milk, bread, sandwiches, flowers, take away or pills ....hence the problem. It's not the poor guy or the delivery guy parking wrong or a person being lazy. There isn't adequate convenient parking. The library parking isn't close enough or doesn't have easy access. Ours is more of a problem because it's a busy main road and the two problems together are going to cause a serious accident so unless someone has something sensibly to say or a way in which this can be corrected please stop blaming innocent people.*
- *You can rectify the situation. Perhaps with better parking arrangements, a wider road, better enforcement, better signage, a general review of the problems. If the old You're Furnished site is developed, good design could actually improve the situation - there's an opportunity to work with developers to resolve a problem instead of adding to it. I don't think developers should be always regarded as enemies.*

There were 199 public comments in total in response to one Facebook posting. The last three above were in response to one Facebook posting about bad parking and road safety. [A collage of traffic photographs is appended.]

## **2. THE PRINCIPLE OF DEVELOPMENT ON THIS SITE**

I am in favour of the appeal site being redeveloped. Whilst I recognise that it is not the responsibility of the Inspector to consider alternative schemes, may I make him aware that several concepts have been aired informally with the aim of meeting the landowner's aspirations and those

of the local community? In particular, the creation of a one-way traffic plan to eliminate the need for traffic to egress from the appeal site onto Cambridge Road would be a key feature. The matter has been the subject of visioning work by Stansted's Neighbourhood Plan team for its emerging Neighbourhood Plan.

The appellant has made no identifiable attempts to consult with the local community and community leaders, nor even with the officers at the planning authority, before submitting his application and his appeal. This is a matter of great regret to me. It goes against the principle of attempting to work with the affected community to minimise resistance to planning proposals and making an effort to enlist support through cooperation and compromise.

### **3. THE HIGHWAY SAFETY IMPACT OF THE REFUSED APPLICATION**

#### **3.1 Visibility**

The impact of increased vehicular traffic leaving the site between the existing Tesco store and the proposed new shop would increase dangers to pedestrians and motorists because sight lines are poor. Drivers' ability to see pedestrians will be blocked by the wall of the Tesco store. The visibility of moving vehicles on the busy B1383 road is frequently obscured by large delivery vehicles in the delivery bay outside Tesco and by other vehicles legitimately parked on the roadside. The bus stop immediately south of the site entrance compounds the low quality of the site egress. See further comments below at Section 3.7.

#### **3.2 Transport Assessments**

The assessment of traffic and highway impacts during the local planning process has been unsatisfactory over the series of five applications and one previous appeal. Apart from one Site Marketing Assessment Report document submitted by Mullucks Wells for application UTT/0215/12/FUL in 2012, all traffic assessments for that and the three subsequent applications and the last appeal misstated the previous buildings' floor area by a factor of three (3) and hence misstated the previously assumed authorized traffic levels derived from the former permission on the site using the TRICS method by a factor of three (3).

Mullucks Wells correctly, I believe from my experience of the former buildings on the site, said the combined gross floor area was 2,454.2 m<sup>2</sup>. The appellant incorrectly based his traffic calculations generated by the former premises on a fictitious gross floor area figure of 7,973m<sup>2</sup>; some 325% of the true historical situation.

It has been shown by traffic consultants Rowland Bisland that the appealed scheme can be expected to generate 199 daily traffic movements compared with 64 from that previously authorized; a proposed level at 310% of that attributable to the past authorized uses on the site.

### **3.3 Difficulties reporting on and determining the application**

The application was pulled from the agenda of the Planning Committee on 16 September 2015 after I had complained that the report was inadequate in being silent on any quantitative assessment of traffic matters beyond claiming without evidence that “the proposed use was no worse than previous uses on this site and that there would be no comparative negative impact on pedestrian safety and on traffic congestion”. Please see my letter to Mr Paul Bird at Essex County Council dated 3 September 2015 and related correspondence.

The major discrepancy in the claimed size of the previously authorized use came to my notice on September 5<sup>th</sup>, two days after I had begun my correspondence with Essex Highways.

Essex Highways absolved themselves of any responsibility, on the grounds that they are only statutory consultees. They implied that Uttlesford Planning is responsible for the accuracy of evidence.

The significance of this false data resulted in the application being withdrawn from the Planning Committee’s meeting for a second time on 21 October 2015 after complaints from me and others that the report was sub-standard in several respects. The October committee report continued to claim that the traffic levels would be reduced despite a professional assessment showing they would rise to 300% of the traffic previously generated. The report then totally lost the plot by switching the argument into claiming that a traffic assessment was unimportant and was not needed!

A revised report was submitted to the meeting on 18 November 2015 at which the application was refused.

### **3.5 Transport Evaluation Opacity**

The foregoing inconsistency remains a disturbing feature of this application's progression.

At no time in the past four years has Essex Highways provided any quantified assessment of the traffic and site access arrangements applicable to this appeal site.

It is a matter of regret to me that the false and contradictory information provided by the appellant and others was not explored by Essex Highways and Uttlesford Planners when previous applications and the last appeal took place. I conclude that the assurances given to the last Inspector, Mr Chris Preston, by Essex Highways that there were no aggravating traffic concerns were based on Essex Highways' assessment using the same false data provided by all applicants and unfortunately not challenged by the local authorities. Or it may be that they had not carried out any assessments beyond what they were told by the applicant(s). I have to conclude that Mr Preston was misled by the local authorities.

My regrets were confirmed when it became clear that Essex Highways had raised concerns about earlier much smaller applications at the site on the southern boundary of the appeal site (UTT/13/1456/FUL) and at a site immediately across Cambridge Road (UTT/14/1549/FUL). I have found no reasonable explanation for the local authorities' relative complacency about this site and their unwillingness to date to publish even the simplest assessment of the appeal site's traffic and safety impact.

### **3.6 Sight lines**

The most astonishing claim by the Highways Authority at the Planning Committee that refused the application in November 2015 was that there would only be a problem with the requirement for 70m sight lines to the north at the site entrance along the B1383, Cambridge Road, "when vehicles are parked in the Tesco designated delivery bay by the entrance". Essex CC installed the parking bay without any consultation prior to the arrival of Tesco.

No one at the November meeting greeted the county council's reasoning with understanding.

Whilst I have to agree with the technical accuracy of that claim, you will appreciate that it does not have any basis in reality.

### **3.7 Delivery vehicles**

The report to the Planning Committee on 18 November 2015 claimed that “there are a couple of mornings a week where (sic) delivery vehicles deliver to the local retail shops”. This was a grossly misleading claim that could have adversely influenced the committee into believing there was little problem with sight lines being impeded by delivery vehicles.

According to a recent survey by parish representatives of the Co-op and Tesco store managers only, the stores jointly receive approximately sixty (60) deliveries a week. No data is available about deliveries to other destinations. Delivery vehicles ranging from articulated lorries to vans can be present from a few minutes to almost one hour. Their stays are often extended when access to the delivery bay is impeded by parked non-delivery vehicles. Deliveries to the approved Sainsbury convenience store at no.12 Cambridge Road will add to the number of large vehicles parking in this area; perhaps an increase of 50%.

This second example of inaccurate evidence used to justify approval of the application has helped create a perception amongst members of the public that the two authorities wished to have the application approved without rigorous scrutiny.

May I ask that the Inspector makes appropriate enquiries to satisfy yourself that evidence put before you has been verified as accurate and is representative of reality?

## **4. SITE OVER-DEVELOPMENT; THE ROOT WEAKNESS OF THE APPEAL**

The appellant wants to over-develop the site by building 10 homes and two commercial premises of 9,020 ft<sup>2</sup> floor area. Not only would this triple the traffic levels compared with the previously authorized use, it would create a badly designed development on site owing to its cramped nature.

This application now being appealed is the most intense form of overdevelopment of the three that have been refused and dismissed.

### **4.1 Parking and pavement**

There are under half the number of parking spaces needed to serve the commercial development. Of these spaces four are in tandem; so they would be inconvenient to use and would be used inefficiently. The people who live in the houses are likely to find that commercial visitors park outside their homes, so they are likely to be blocked in and unable to leave the dual-use complex.

This is because the layout fails to meet Essex County Council's Parking Standards Design and Good Practice September 2009, which states: *"Tandem Parking...should be discouraged in areas which offer general access, e.g. parking courts, The provision of tandem parking reduces the uptake of spaces, often used instead for bin storage in rear parking courts, and their provision encourages on-street parking"*. The identified risk describes well the situation that would be created at and near the appeal site.

Alternatively, the commercial workers and business visitors will park on Cambridge Road where they will aggravate a congested parking area; or they will take spaces in the adjacent public car park. That car park, which is owned by the parish council, has not been designed and scaled for use by new developments that are not self-sufficient with their own parking requirements. The site has no designated disabled parking provision. The arrangements would be totally unsatisfactory and would lead to further congestion and chaos outside the appeal site above that experienced daily by local people and travellers along the B1383.

The width of the proposed pedestrian access from the Crafton Green car park is too narrow at 1.4m and will be unsafe for shoppers, residents and business people using and transiting the site. It should be a standard width of 2m. That will reduce the width of the road to make it too narrow. The entrance to the site is too narrow for present day expectations.

#### **4.2 House separation**

A third claim in the planning committee's report of November 2015 calls for your attention to assess its accuracy. At clause 10.18 the report claims *"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 existing screening."*

I have received written professional evidence from a constituent that contradicts the above claim. Namely, Plots 4, 5 & 6 fail this criterion as there would be only 23m separation. Moreover, Plot 6 has its living room at first floor level. The diagram in the Essex Design Guide for this last scenario (page 72) requires the eye-to-eye distance to be increased to 35m. Plot 6 is under standard by some 12m.

Also, the Essex Design Guide states that when new houses are facing onto the back of existing houses, the new property should have a rear garden whose minimum length is 15m to the boundary of the existing dwelling. The rear gardens to Plots 4 & 5 range from between 11m and 11.5m, so they both fail on this count.

### **4.3 House height and capacity**

The eaves of Plots 6, 8 & 9 were reduced by 775mm from the original application. Despite that reduction, the drawings show 16 courses of brickwork above the top of the first floor windows. This equates to 1200mm. The front & rear elevations are considered by architects to be top heavy with so much brickwork above the windows. For example, at Plot 7 the eaves height is at the same level as the window head. It is considered fairly evident that the additional height shown on Plots 6, 8 & 9 is to accommodate additional bedrooms when and if approval were granted. This seems to be a fairly transparent developer's trick. It is not considered normal for anyone to design 2-bedroom detached houses with 16 additional courses of brickwork for no disclosed reason. The extra height would allow the owners/builders to enlarge the properties to four bedrooms after an upheld appeal. Scrutiny is necessary to avoid allowing by default and stealth yet a further deficit of three (3) spaces in the parking requirements for the site to host four-bedroom homes.

### **4.4 Bin storage**

Bin access for the residential properties will be difficult because there is inadequate space to turn a collection vehicle on site. The location of the commercial waste bins will make them unserviceable owing to this being beyond tandem parking spaces. There was a suggestion in the withdrawn Planning Committee report of October 2015 that the commercial bins would travel from their normal location via a passageway between the Commercial Unit 2 and the southern site boundary to be emptied from the pavement on Cambridge Road. I pointed out in a letter to the Council's chief legal officers on 20 October that there was no such practicable corridor within the boundary of the development site and that collection from the pavement was impossible because that is the location for a bus stop and bus shelter so collection vehicles cannot stop there.

In the committee report for the November meeting this impractical solution was toned down to "There is access to the refuse bin storage area". This was not justified. "Bins are within 25m of the highway, details of bin storage can be conditioned." It does not seem likely that the design weaknesses can be "conditioned away". I invite the Inspector to scrutinise this further apparent avoidance of practical reality that seems to me to have been too prevalent in the assessment of the planning application.



## 5. OTHER BACKGROUND INFORMATION

- The town centre of Stansted Mountfitchet is a vibrant place where vacant premises have reduced in the past four years and economic activity has changed but has increased.
- Demand has been growing as a result of population increase from new housing in the Parish of Stansted Mountfitchet and in surrounding parishes and traffic levels have risen on all roads, including Cambridge Road. This increase in demand for services in the town centre will continue as the populations within both Uttlesford and East Herts districts nearby to Stansted Mountfitchet continue to rise.
- The council has the benefit of a five-year housing land supply, so there are no grounds for local plan policies being overridden by NPPF rules about “sustainable development” taking precedence.
- The parking provision shortfall cannot be accommodated at the nearby Crafton Green public car park. This car park is often full and existing businesses have complained that their customers cannot find a space amongst the existing total of only 45 pay-and-display parking bays.

## 6. CONCLUSION

I urge the Inspector to dismiss the appeal on the grounds of:

1. The safety of pedestrians and motorists using the site and the B1383 road and pavement caused by overdevelopment of the site and by a deficient site entrance & egress point
2. Overdevelopment of the site resulting in inadequate parking provision, inadequate separation between properties, some properties designed for immediate enlargement and unworkable bin storage and waste disposal arrangements, all of which would
3. Undermine the vitality of the town centre area at Cambridge Road.

**Cllr Alan Dean, Member for Stansted North, Uttlesford District Council**

**4<sup>th</sup> March 2016**

[Appendix with collage of traffic photographs taken in November 2015 follows on the next page.]

