
Appeal Decision

Hearing held on 26 April 2016

Site visit made on 27 April 2016

by Claire Victory BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 June 2016

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

14 Cambridge Road, Stansted, Essex CM24 8BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Foe Developments and London and Stansted Furnishing Company Ltd against the decision of Uttlesford District Council.
 - The application Ref UTT/15/1666/FUL, dated 27 May 2015, was refused by notice dated 19 November 2015.
 - The development proposed is 10 no. dwellings, ground floor retail unit with independent first floor office and 2.5 storey commercial building including associated garages, car parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant submitted an amended site and location plan¹ at the Hearing. The revisions include the movement of the proposed Unit 2 commercial building southwards by about 0.5m, the provision of a secure cycle store to serve that building, the marking out of two of the proposed commercial car parking spaces as disabled parking, and additional landscaping within some residential plots. As these changes are minor in nature and do not involve an increase in floorspace or in the number or size of buildings I consider that no one would be prejudiced by my determining the appeal on the basis of the amended plan.
3. A two storey outbuilding along the rear boundary of the Co-operative shop is not shown on the context plan but I saw its position at the site visit and have taken it into account in reaching my decision.

Application for costs

4. At the Hearing an application for costs was made by Foe Developments and London and Stansted Furnishing Company Ltd against Uttlesford District Council. This application will be the subject of a separate Decision.

Background and Main Issues

5. The Council's first reason for refusal referred to the proposal as an overdevelopment of the site, with particular reference to the lack of sufficient

¹ Ref BRD/15/006/002-C

on site car parking, and the size, scale and design of the scheme which in turn compromises pedestrian and highway safety. There were also a large number of representations from third parties concerning the potential impact of the scheme on pedestrian and highway safety. In light of the above, the main issues in the appeal are:

- The effect of the proposed parking arrangements on the safety of users of the adjacent highway, and;
- Whether the size, scale, design and siting of Unit 2 would prevent satisfactory living conditions for neighbouring and future residential occupants.

Reasons

6. The appeal site has a small frontage to Cambridge Road, including an existing vehicular access, and is bounded to the north and west by the rear gardens of residential properties on Clarence Road and Greenfields, and the east by the rear of commercial properties on Cambridge Road. To the south is the Crafton Street public car park and Geneva Motors, a used car showroom. Planning permission exists for the erection of a new sales showroom and tyre and exhaust workshop², close to the common boundary with the appeal site.

Highway Safety

7. Cambridge Road (A1383) is a key route from Saffron Walden and Newport to the M11 and Bishop Stortford, and as such a high number of vehicles pass the site entrance, particularly at peak times. In addition, this section of the road contains a number of shops, restaurants and takeaways, and there is a high demand for the available on-street short stay parking bays on either side of the road. There is a Tesco store to the north of the site access, with a loading bay, and a bus stop layby to the front of the former Barclays Bank building. I heard that Sainsbury's intend to occupy this property although it had not occurred at the time of the site visit. The footway in the locality is interrupted by a number of other vehicle accesses to properties.
8. The Transport Statement submitted by the appellant found that the appeal proposal would result in a reduction in traffic generation compared with that of the former use as a car auction site. However the parties now agree that the floorspace figure for the buildings previously on the site used to form that assessment was incorrect, and the figure provided was considerably larger than that provided in the earlier planning application by Bellway Homes³ and associated Mullocks Wells marketing report⁴. Consequently, this assessment, upon which basis the Highway Authority had no objection to the scheme, cannot be relied upon.
9. Nevertheless, the potential impact that the proposal would have would be offset against the relatively recent former use of the site for a commercial operation, and the fact that some development on the site is likely to occur in the future, given its sustainable location and the Council's support in principle for its redevelopment. Any future use of the site would inevitably generate a greater level of traffic than its present vacant condition.

² Ref. UTT/13/1456/FUL

³ Ref. UTT/0215/12/FUL

⁴ Site Marketing Assessment Report, Mullocks Wells

10. Policy GEN8 of the Uttlesford Local Plan (LP) (2005) requires that parking provision for new developments are in accordance with the 'Vehicle Parking Standards' Supplementary Planning Guidance in Appendix 1 to the LP. These have been replaced by the Essex County Council Parking Standards (2009), referred to hereafter as the Parking Standards. The number of car parking spaces proposed for the residential element would meet the minimum standard for dwellings as set out in the Parking Standards. Although the parking for each dwelling is set out in a tandem arrangement, with the exception of the spaces for plots 4 and 5, which are located adjacent to these properties, the tandem spaces are on plot, and thus residents would be able to make their own arrangements regarding how these are used. Furthermore, the visitor spaces are not set out in this way.
11. Turning to the commercial element of the proposal, the parking proposed would be about half of the maximum set out in the Parking Standards. The revised site plan shows 2 dedicated spaces for disabled parking within the commercial parking area. This would remove two general parking spaces from the scheme, but these spaces would still be available for use by staff and would thus make a contribution towards the overall provision. The proposal would also create a link to Crafton Green car park and reduce the walking distance to Cambridge Road, although I acknowledge that for many the free on-street parking there would continue to be more desirable. The town centre location and availability of bus and rail links could support a reduced provision below the maximum standard.
12. However, half of the commercial spaces are set out in a tandem formation. The Parking Standards advise that parking layouts should encourage the maximum use of parking areas to minimise the risk of on-street parking problems, and whilst tandem spaces can be an appropriate solution for residential properties, they are not included in the various different parking layouts suggested in paragraph 3.2.6 of the Parking Standards for commercial parking, and paragraph 3.4.22 of that document notes they should be discouraged in areas of general access. The proposed level of parking well below the maximum standard, combined with the proportion of tandem spaces would be likely to lead to indiscriminate parking within the street and the wider area. This would exacerbate existing parking problems in the vicinity, which already experiences high demand for spaces, and thus would be materially harmful to users of the adjacent highway.
13. In respect of the adequacy of the existing site access, it would be wide enough to accommodate a car and large vehicle passing each other, and would meet the standard for Manual for Streets and the Design Manual for Roads and Bridges. There would be reduced visibility at times arising from the location of the access close to a loading bay and bus stop, but due to the location within a busy high street, drivers leaving the site would tend to edge out slowly across the footway. This might cause a delay for passing pedestrians, but in most cases this would be momentary, and little different from that experienced at other crossovers in the locality.
14. Furthermore, although I heard from third parties of other incidents nearby in recent years including a fatality, accident data for the site indicates there have been no serious road traffic accidents at this location. Accordingly, whilst there are complications with the existing access there is no compelling evidence before me that it is inherently dangerous, and in this respect the proposal

would accord with LP Policy GEN1, which requires the access to the main road network and the surrounding transport network to be capable of carrying the traffic generated by the development safely, and to provide safe and inclusive access for all that does not compromise road safety.

15. Nonetheless, despite my findings in relation to the access, I conclude for the reasons set out above that the proposed parking arrangements for the commercial units would be harmful to the users of the adjacent highway. The proposal would therefore conflict with LP policy GEN8, which requires the number, design and layout of vehicle parking to be appropriate for the location, LP Policy GEN2 which requires development layouts to meet the reasonable needs of all, and the Parking Standards.

Living conditions

16. In its Decision Notice the Council referred to harm that would be caused to neighbouring and future residential occupants in relation to Unit 2, but it has not specifically identified any residential properties outside the site that would be affected by the proposed commercial building. Within the site itself, I consider that Plots 2 and 3 would be sufficiently distant from Unit 2 so as to avoid unacceptably harmful impacts, and Plot 10 is further away and separated by commercial and residential parking areas.
17. The dwelling proposed on Plot 1 would be the nearest residential property to Unit 2. Plot 1 would be a house of modest size but with three bedrooms and therefore suitable for family accommodation. The proposed commercial building would be several metres greater in height at eaves level, and would extend more or less the entire length of the rear garden of Plot 1. The relatively close proximity of Unit 2 combined with its greater height and orientation to the south west of Plot 1 means that it would appear as an unacceptably feature when viewed by the occupants of this dwelling, particularly within the rear garden.
18. In addition, the large number of windows in the northern elevation of Unit 2 within the upper floors, directly overlooking the rear garden of Plot 1 would be likely to lead to a loss of privacy for its occupants and have a detrimental effect on their enjoyment of the garden. The appellant has suggested that a condition could be imposed to require opaque glazing to these windows, but I do not consider this would be a practical solution as the southern elevation, which faces the Geneva Motors site, would provide a very poor outlook for occupiers of the building. As such it would not provide a satisfactory working environment, contrary to the aims of the National Planning Policy Framework (the Framework), insofar as it requires a high standard of design and a good standard of amenity for all existing and future occupants of land and buildings.
19. Moreover, it would be difficult to control the use of lights within the upper floors of Unit 2, and a condition requiring all lights to be switched off outside working hours would be difficult to enforce. Light pollution from the building during the evenings would add to the harm that would be caused.
20. I have taken account of the extant planning permission at Geneva Motors, but if built, the building would be further away from Plot 1 and would have a blank façade. Consequently it would not cause the harm that the appeal proposal would.

21. I therefore conclude that the relationship of Unit 2 with the dwelling on Plot 1 would not provide satisfactory living conditions for the future occupants of that dwelling, for the reasons I have described. The proposal would therefore be contrary to LP Policy GEN2, which requires, amongst other things, for new development to not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing, and the Framework.

Other Matters

22. The occupiers of properties on Clarence Road were concerned with the proximity of the proposed dwellings and potential for overlooking, but although the ground level with the appeal site is somewhat higher than properties on Clarence Road the separation distances are sufficient to avoid undue overlooking of these adjacent properties.
23. The plans for Plots 6, 8 and 9 show a first floor lounge. The separation distances to neighbouring properties fall slightly short of that expected within the Essex Design Guide (2005), but the rooms would be dual aspect, and planting is proposed to the boundaries to provide screening and thus there would be no unacceptable loss of privacy. It has been asserted that these dwellings have potential for additional living accommodation to be created within the roofspace that might result in overlooking of neighbouring properties, but I consider in this instance that these concerns could be addressed by a condition to restrict permitted development rights for roof extensions, if the proposal were acceptable in all other respects.
24. In terms of access to the commercial refuse store, the revised site layout plan provides for an access strip wide enough to enable a standard size commercial waste bin to be moved to the waste collection point.
25. Finally, I am aware of a dispute relating to the boundary between the appeal site and the Geneva Motors site, but this is a private legal matter between the relevant parties and outside the scope of this appeal.

Conclusion

26. For the above reasons I conclude the appeal should be dismissed.

Claire Victory

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

John Dagg MRTPI	Barrister, Trinity Chambers
Alan Hutton CIHT	Landmark Planning
Ian Beatwell	Landmark Planning
Alistair Allen	Landmark Planning
Scott McArthur	Landmark Planning
Ray Wells	

FOR THE COUNCIL:

Nigel Brown MRTPI	Development Manager
Cllr Janice Lockley	Chair, Planning Committee
Cllr Richard Freeman	Member, Planning Committee

INTERESTED PERSONS:

Steven Barker MRTPI	Planner, representing third parties
John Rowland FIHT	Transport Planner
Ruth Clifford	Clerk, Stansted Mountfitchet Parish Council
Cllr Peter Jones	Stansted Mountfitchet Parish Council
Cllr Alan Dean	Stansted Mountfitchet Parish Council and Uttlesford Ward Councillor
Cllr Geoffrey Sell	Stansted Mountfitchet Parish Council and Uttlesford Ward Councillor
Cllr John O'Brien	
Mr Hagon	Resident
Mrs Hagon	Resident
Mr Woodcock	Resident
Mr Stuart Longley	Resident
S Debbah	Resident
S Lutz	Resident
A Wheeler	Resident

DOCUMENTS

- 1 Representation from R Miles, submitted by Mr Barker
- 2 Application for costs, submitted by Appellant
- 3 Manual for Streets 2 extract, submitted by Mr Hatton
- 4 Costs rebuttal, submitted by the Council