

UTT/0888/07/OP - TAKELEY

Change of use from A3 (restaurant) and Sui-Generis (petrol filling station) to B1 (offices). Outline application for construction of two storey commercial offices, associated parking and alteration existing access

Location: Takeley Service Station Dunmow Road Takeley GR/TL 570-211

Applicant: Chelsteen Homes Ltd

Agent: John Finch Partnership

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 20/08/2007

Classification: MAJOR

NOTATION: Outside development limit.

DESCRIPTION OF SITE: This site lies 750 m to the east of the Four Ashes and has a 40m frontage to the south of the B1256 (former A120) Dunmow Road. To the immediate east and west are dwellings (a bungalow 'Remarc' to the east and a two storey dwelling 'Ridge House' to the west). Next but one to the east is a small industrial estate 'St Johns'. To the rear of the site is the former railway line now the Flitch Way bridleway.

The site was formerly occupied by the Little Chef and an Esso Petrol station, much of the site was hard surfaced for car parking or as the forecourt to the filling station. These buildings have been demolished and the site is currently vacant and fenced off. There is a grass verge along the highway boundary; simple fencing along the eastern boundary; a mature slightly gappy line of trees along the boundary with the Flitch Way and a good tree screen along the western boundary.

DESCRIPTION OF PROPOSAL: This application is made at outline with all matters reserved except layout and access. It proposes the redevelopment of this site for offices with limited retail with associated car parking and highway works. The access and layout details shown on the site plan indicate a single central access with two units each side of the access. The new buildings would be located across the site approximately in line with the adjacent properties. Car parking, bicycle and refuse storage and access to the Flitch Way would be provided to the rear of the site.

An indicative elevation/street scene shows the buildings to be predominantly 2 storeys, flat roofed, with rendered and panelled elevations. The outer extremes of both blocks step down to single storey. The drawings show the buildings to be taller than the bungalow to the east but lower than the two storey dwelling to the west.

APPLICANT'S CASE: Please see 1) Introduction from the submitted design and access statement attached at end of report.

RELEVANT HISTORY: A variety of permissions relating to the petrol filling station and restaurant dating back to the 1950's.

CONSULTATIONS: Highways Authority: No objections subject to conditions and "the payment of a financial contribution of the sum of £10,000 index linked to the highway authority towards street lighting in the vicinity of the site". See letter dated 19 June 2007 copy attached at end of report.
Environment Agency: Object due to lack of information on contaminants likely to be on site.
Environmental Services: Will require a remediation strategy.

PARISH COUNCIL COMMENTS: Object:

- The site is inappropriate for an office/commercial enterprise of this scale (60 staff + visitors) given the locality and proximity to residential property.

- The development would set a dangerous precedent for development along the B1256.
- Serious concerns regarding the access to the site the proposal for an entrance and exit
- Such a development would require extensive screening/planting to the front
- Object to any proposed signage (illuminated or unlit) on the frontage. This would be inconsistent with the area which is predominantly residential.
- An agreement to office buildings would result in unacceptable light pollution from both internal and external security lighting.
- Indicative plans of the proposed buildings in no way reflect the character and rural nature of the site.
- Such a development would have a detrimental impact on the amenity and character of the surroundings for those living in the immediate vicinity
- In the context of the local surroundings this site is more appropriate for development of residential dwellings.
- TPC assumes UDC has notified everyone in close proximity; including those people opposite the proposed development.

REPRESENTATIONS: This application has been advertised and 2 representations have been received. Period expired 12.6.07. See copy letters attached at end of report.

COMMENTS ON REPRESENTATIONS: See the following section.

PLANNING CONSIDERATIONS: The main issues are

- 1) **The principle of developing the site (ERSP Policies CS2, C5 & ULP Policy S7);**
- 2) **Highway issues (ULP Policies GEN1);**
- 3) **The design, parking and landscaping of the site (ERSP Policy BE1, EG4, T1, T12 & ULP Policies GEN2, GEN4&5, GEN8);**
- 4) **Other material planning considerations, including the potential for the land to be contaminated due to its previous uses (ULP policy ENV14).**

1) The site lies outside of the development limit where for the purposes of the local plan it is considered to be countryside. However the site is previously developed ('brownfield') land. This is crucial to the consideration about whether it is developable because planning policy favours the reuse of brownfield land. In this particular case the previous development on the site was quite intensive running tight from the eastern boundary towards the western boundary although leaving a slight buffer zone, and running from the front of the site to its rear. There was no significant area of undeveloped land or vegetation. The use itself was as a well used filling station, convenience shop and restaurant. Given these factors it is appropriate to accept the redevelopment of the site.

Notwithstanding the comments of the Parish Council there can be no objection in principle to commercial rather than residential development, particularly given the previous commercial use of the site. Officers consider that there is merit in the commercial redevelopment of the site on the basis that it provides opportunities for employment which are being lost elsewhere as other commercial sites are redeveloped for residential purposes. The proposed B1 office is a use that can occur in a residential area without detriment to adjacent residential amenity. This seems to be recognised by the occupiers of the adjacent properties.

2) The previous activities on the site created significant traffic movements and the site operated a double access arrangement. Visibility is good in both directions and there is a 30 mph speed limit operating past the site. The proposed single point of access reduces the potential points of conflict along the highway and would provide sufficient visibility and width to serve the needs of the development. The highways authority has not objected subject to conditions and the provision of a £10,000 financial contribution towards street lighting in the vicinity. The highways authority has not explained why such a contribution is required in connection with this

development and it has been asked to justify it. Unless a clear link can be established between the development and the requested financial contribution, officers are not including the request as part of the recommendation. The Parish Council has not explained its concern about the proposed access although that should be considered in the context of the supportive comments of highways.

3) The only matters for determination at this stage are the principle of office use on the site and the proposed layout and means of access. The choice of a flat roof design adds a contemporary air to the building and helps to keep its mass down. While design is a reserved matter the layout details which form part of the application would make it difficult to put a pitched roof on the buildings without adding significantly to the height of the buildings. In the circumstances that Members decide to insist on a pitched roof on the buildings the appropriate course of action would be to refuse this application on the basis that a pitched roof over the buildings shown on the submitted layout would result in inappropriately tall buildings. Officers do not have concerns about the use of a flat roof here. Landscaping forms one of the reserved matters and would be dealt with later.

Based on the proposed floorspace of 1140 sqm the maximum number of car parking spaces required under the adopted parking standards would be 33 spaces. The application proposes 49 spaces. The applicant has been advised that without clear justification that such a number of spaces would be unacceptable. Government policy is to reduce reliance on private cars by reducing parking provision and encouraging developers to find alternative means for employees to travel to work. This is in contrast to the comments of a neighbour who considers the parking provision to be inadequate. The applicant has submitted a travel plan which contains a raft of measures to reduce reliance on single occupied car use. The measures seem appropriate. However it stops short of justifying the provision of a greater number of spaces than required under the standards. The occupant businesses are unknown at this stage and the applicant has merely stated that this development will be competing with sites elsewhere where greater provision is available. Officers are of the view that this does not amount to special justification on the basis that maximum car parking standards are a relatively new phenomenon and to always refer back to developments approved in previous policy environments would defeat changes in policy. Consequently it is recommended that a condition be attached to require parking provision to be in accordance with adopted parking standards and that the site be operated in accordance with the submitted travel plan. It would be appropriate to prevent airport related car parking on this site by planning condition.

4) Due to the former use of much of the site as a petrol filling station there is the possibility that the land is contaminated by chemicals. The Environment Agency has objected to the proposal as the matter has not been addressed in the application. The applicant has been informed of the position and has replied that it does not own the land and that it has an agreement with Esso that it will investigate the matter after permission is granted. The Environment Agency has been asked to confirm whether it would support a sole reason for refusal on that basis or whether the matter can be dealt with by condition. Its response will be reported.

CONCLUSIONS: Subject to the comments of the Environment Agency, it is considered that the proposal is acceptable in principle and as far as those details provided in the application (use, layout and access) are concerned together with the likely form of development to result from those details.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.1.1 Submission of reserved matters.
2. C.1.2. Submission of reserved matters.
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. C.4.1. Submission of landscaping.

- 6. C.4.2. Implementation of landscaping scheme.
- 7. C.4.6. Retention and protection of trees.
- 8. C.4.7. Detailed landscaping survey to be submitted.
- 9. C.5.2. Details of materials.
- 10. C.7.1. Slab levels.
- 11. C.8.29. Details of sustainable construction for new commercial development.
- 12. Prior to the commencement of the development 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. 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.
- 13. C.10.23. Travel plan.
- 14. There shall be no windows above ground floor level on the east elevation of Unit D or the west elevation of Unit A.
REASON: To avoid overlooking of the adjacent properties.
- 15. The reserved matters application shall make provision of car parking at the level required by the adopted car parking standards or other level as may be approved in writing at that time.
REASON: To ensure that appropriate parking facilities are provided.
- 16. C.25.1. Ban on airport related car parking.
- 17. C.8.23. Ground contamination.
- 18-24. Highway conditions.
- 25. No development shall commence until the precise location of the pedestrian/cycle link to the Flitch Way, together with the means of securing that means of entry from unauthorised use has been agreed with the local planning authority.
REASON: To protect the vegetation along the common boundary with the Flitch Way and to ensure a satisfactory means of screening the site and to prevent inappropriate vehicles reaching the Flitch Way.

Background papers: see application file.
