

**UTT/0694/12/FUL (Stansted)**

***(Call in request by Cllr. Salmon - inaccurate application details / concern over traffic / access at this location)***

**PROPOSAL:** Extension to shop on ground floor and change of use of first floor  
**from** storage to separate residential use.

**LOCATION:** 10 Chapel Hill, Stansted.

**APPLICANT:** Mr E Taub.

**AGENT:** Philip Livings Limited.

**GRID REFERENCE:** TL 515249

**EXPIRY DATE:** 8 June 2012.

**CASE OFFICER:** Mr C Theobald

**1.0 NOTATION**

1.1 Within Development Limits / Conservation Area / Site adjacent to Local Centre SM1 / Adjacent Listed Building.

**2.0 DESCRIPTION OF SITE**

2.1 The application site is situated on the north side of Chapel Hill within a mixed use frontage approximately 50 metres from the Lower Street/Station Road junction and comprises a narrow two storey building set back from the road extending to the rear boundary which is currently being used on the ground floor as a scuba diving centre with rear ancillary office and storage with additional ancillary storage on the first floor. The application building has a shared entrance drive with No.12 Chapel Hill, a two storey listed dwelling (erroneously described in the application details as two flats) set at right angles to the road and directly facing the application building to the immediate west, whilst two hard surfaced car parking spaces exist between the shop front and the site frontage and also along the side of the building (two additional spaces). An Indian restaurant (Royal Tandoori) with ancillary flat above is situated adjacent the application building in a forward position onto the road to the immediate east. The building shop front is currently set at an inwards angle to the front façade.

**3.0 PROPOSAL**

3.1 This application relates to a small triangular ground floor infill extension of the existing shop front to bring it in square alignment with the upper façade of the building where the use of the ground floor would remain as existing A1 retail and the creation of 2 (No.) one bedroomed flats at first floor level over from front to rear comprising 32 sqm and 24 sqm respectively. The flats would be served by a new entrance lobby and staircase from the west flank elevation of the building, whilst the conversion would also involve the creation of a new window at first floor level on the east flank elevation. Parking for the two flats would occur to the side of the building where additional parking for the shop already occurs (van parking).

**4.0 APPLICANTS CASE**

4.1 See detailed statement on file.

## Summary:

- The proposal would improve the commercial viability of this existing shop unit and thereby encouraging other local retail users to remain in the village centre
- The proposal would create two additional small residential units which would help to meet the identified local need in this sustainable location close to the mainline railway station and local services
- The use of the upper floor for flats would be in keeping with similar uses in the area
- The LPA has defined the town as a service centre and hub for the surrounding rural area where the best use will be made of existing buildings
- The additional use of the access and parking facilities by the two small flats would be acceptable in terms of highway safety and parking standards
- The proposal would be compatible with the economic, social and environmental aims of the NPPF.

4.2 An additional supporting letter has been received dated 23 May 2012:

*"It is our intention to sustain the retail viability [of the shop] by adding a residential element to the first floor thereby allowing a sufficient income to make the ground floor financially viable. This would not be the case if the whole building is left purely as commercial premises. The slight change in the shape of the shopfront would be beneficial from a visual viewpoint. The proposed parking arrangement for the flats is exactly as it is now and has been for many years. This configuration allows one parking space per flat to the side as per the 2002 [legal] transfer and two parking spaces for the shop/office at the front. There is also a large public car park a short walking distance from the premises. There is a great shortage of low cost rental property in the local vicinity and in particular to the station. The first floors of other shops in this vicinity have residential use and this [arrangement] does not seem to cause problems".*

## **5.0 RELEVANT SITE HISTORY**

- 5.1 Permission granted in 1960 for the reconstruction of existing shop with living accommodation and in 1972 for addition of first floor to shop. Permission granted in 1998 for change of use of shop (A1) to office (A2) where concerns from the Parish Council regarding proposed parking arrangements were noted but where a parking condition was not imposed on the basis that it was considered that the proposal would not likely to give rise to materially greater vehicle movements at the site. It is noted from this application that 3 (No.) tandem parking spaces were shown for that proposal along the side and to the rear of the building. It is further noted that the issue of land ownership arose with that application when it became clear that the strip of land between the application building and No.12 Chapel Hill (now also known as Chapel Hill House) was not within the freehold ownership of No.10 Chapel Hill and where only rights of way were enjoyed over it, but where it was considered by the Council that this did not affect the validity of the permission.
- 5.2 Preliminary enquiry received in 2003 for reversion of implemented A2 use back to A1 retail use for the sale of scuba diving equipment and conversion of first floor over to ancillary living accommodation when the Council advised that this use change with ancillary flat above would be permitted development. Enquiry received in 2008 for proposed store to side of the building involving loss of rear parking space and creation of 2 (No.) parking spaces at the front of the building. Whilst some officer concerns were expressed about the loss of parking to serve the scuba diving business, it was stated that the site may on balance be one where limited parking could be acceptable on the basis that there was both a public car park and railway station within walking distance of the site which could be available for staff and visitor use. However, reservations were also expressed about the proposed use of formalised parking at the front of the site, albeit that it appeared that parking was already taking place on this area as this was regarded as being unacceptable in both visual and highway safety terms where it was stated that there

would be insufficient manoeuvring space for vehicles with less than 4 metres between the parking spaces and the front boundary with the potential to manoeuvring on the adjacent public highway which would create additional and unnecessary highway hazards. The hardstanding is still present on the site as described and is still being used for parking in association with the shop.

## **6.0 POLICIES**

### **6.1 National Policies**

National Planning Policy Framework.

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

Policy SS1: Achieving Sustainable Development

Policy ENV7: Quality in the Built Environment

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

None.

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

ULP S1: Development Limits for the Main Urban Areas

ULP SM2: Residential Development within Stansted Mountfitchet Built Up Area

ULP Policy GEN1 - Access

ULP Policy GEN2 - Design

ULP Policy GEN4 - Noise and Disturbance

ULP Policy GEN8 - Vehicle Parking Standards

ULP Policy ENV1 - Design of development within Conservation Areas

Stansted Mountfitchet Conservation Area Appraisal and Management Proposal Document approved April 2007.

## **7.0 PARISH COUNCIL COMMENTS**

- 7.1 The Parish Council unanimously supports the objections made by the immediate neighbour at Chapel Hill House and objects to the proposal on grounds of overlooking, over-intensification, lack of parking, road safety issues, potential loss of commercial use and as the plans are technically inaccurate.

## **8.0 CONSULTATIONS**

Thames Water

- 8.1 No objections.

## **9.0 REPRESENTATIONS**

- 9.1 Notification period expired 11 May 2012. Advertisement expired 24 May 2012. Site notice expired 16 May 2012. 2 representations received:

1. Chapel Hill House, 12 Chapel Hill, Stansted:

- The plan submitted with the application is inaccurate and misleading in that the boundary is marked in such a way as to imply that land which belongs to me is in the ownership of No.10. I enclose a plan correctly showing ownership of the respective properties

- The current occupiers (applicant) use the front parking area and the land strip they have a right of way over to turn their vehicles to be able to exit safely onto the busy Chapel Hill
- The addition of cramped development units in the limited space available is the sort of development planning was created to prevent
- Self evident that access and parking on the site is restricted and a problem
- How can it seriously be put forward that the addition of two small residential units would improve the commercial viability of the shop and encourage other local retail uses to remain in the village.

## 2. High Trees, 64 Chapel Hill, Stansted

- The entirety of this building is permitted for retail use and no part of it should be changed to separate dwellings
- UDC studies have shown that more retail space is/will be needed in this part of the village between now and 2023. This application is intended to reduce retail capacity
- The boundary of No.10 Chapel Hill shown on the submitted layout drawing is incorrect as it includes land owned by No.12 Chapel Hill
- Car parking space at the application site frequently has vans parked on it to serve the existing business. Customers also park there enabling them to collect heavy items. Any additional demand on the current parking provision would result in considerable difficulties for residents of 12 Chapel Hill trying to enter or leave in their cars
- The application proposes parking in tandem. Drivers of vehicles wishing to leave the site either forwards or by reversing onto Chapel Hill will cause considerable difficulties to traffic flowing along Chapel Hill causing further and unnecessary delays.
- Vehicles parked at 12 Chapel Hill will not be able to enter or leave from their driveway parking area if all car parking spaces are occupied at 10 Chapel Hill
- No allowance has been made for visitor parking spaces.

### **10.0 APPRAISAL**

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

#### **A Principle of development (ULP Policies S1 and SM2)**

- 10.1 The application site is located within development limits in the lower centre of the village where the residential conversion of the first floor of the building would be acceptable under ULP Policy S1 of the local plan and where Policy SM2 seeks to encourage the use of smaller sites for residential development (which would also include residential conversions) beyond those larger sites identified in the plan.

#### **B Design (ULP Policies GEN2 and ENV1)**

- 10.2 The proposed forward alignment of the existing angled shopfront to be in line with the front of the building without any modification in shopfront design would be acceptable under Policy GEN2 where the proposed works would preserve the character and appearance of the conservation area under Policy ENV1.

#### **C Impact on neighbouring amenity (ULP Policies GEN2 and GEN4)**

- 10.3 The proposal would introduce various new door openings at ground level along the west flank elevation of the application building where these would be obscured from view from No.12 Chapel Hill given the forward alignment of that dwelling and the existence of a 2 metre high closeboarded enclosure fence. A new sitting room window for the rear flat would be inserted at first floor level on the east flank elevation facing onto a rear lean-to of the adjacent Indian restaurant. This rear area is used as a service area for the restaurant and would not cause any loss of residential amenity on this side. Whilst the proposal would intensify the use of the first floor of the building from ancillary to separate

residential use, it is considered that this would not in itself cause any significant loss of residential amenity in terms of noise or disturbance to No.12 on the other side.

## **D Access and Parking**

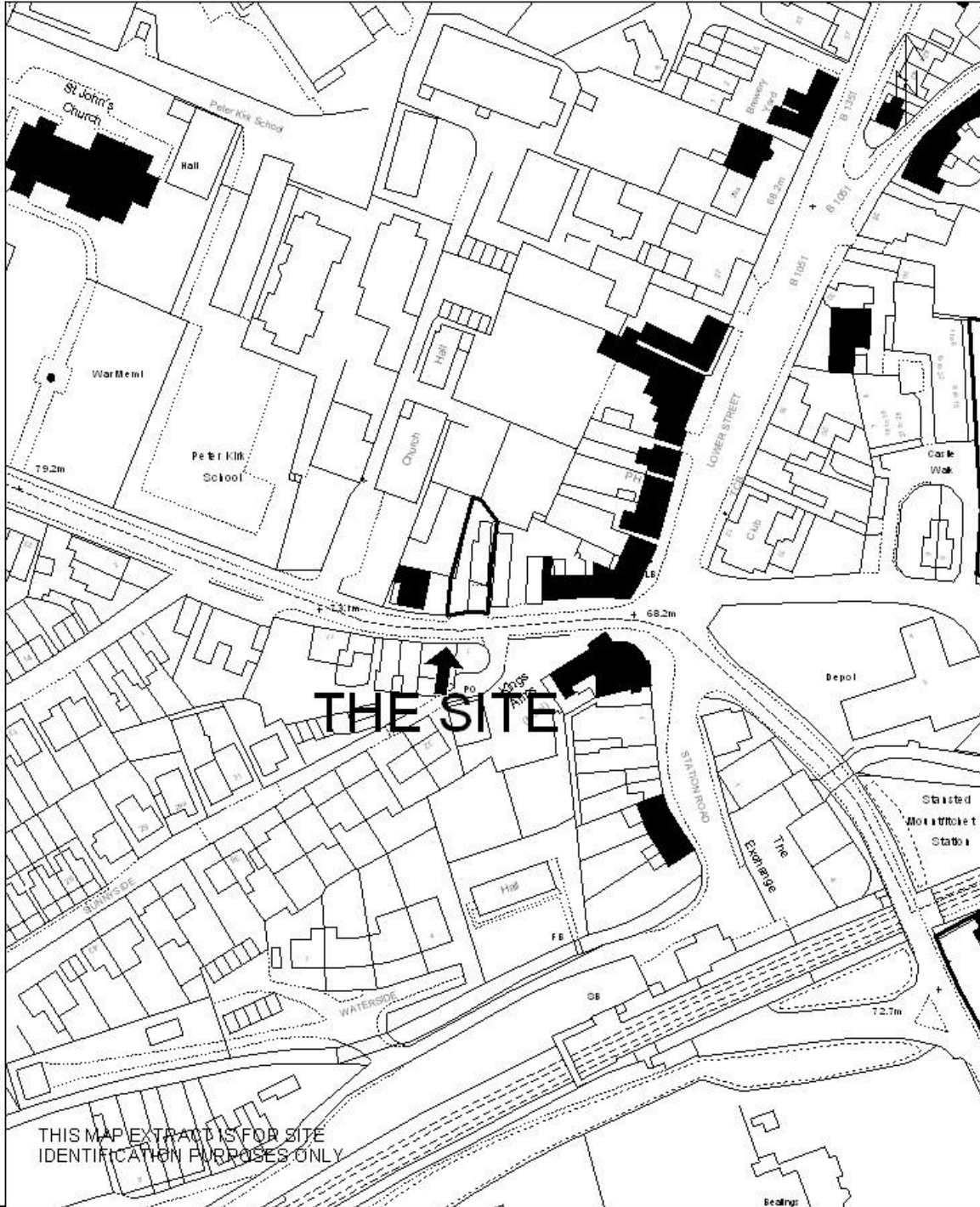
- 10.4 The main issue concerning this proposal is parking where this has been the subject of previous assessment and comment for this site as described in the planning history above. Chapel Hill is a busy local connector road where double yellow lines are in force to prevent indiscriminate parking. The entrance to the application site is also just before the inside of a rising bend. Any intensification of the vehicular access at this location would therefore be inappropriate in highway terms under ULP Policy GEN1.
- 10.5 It is argued by the applicant that the proposed parking arrangements at the site would not change the current status quo where 2 (No.) parking spaces would be retained at the front of the site for parking by shop staff and customers and that 2 (No.) spaces would be provided at the side of the building representing one space per flat in accordance with current parking standards, albeit that the supportive statement for the application mentions that five spaces would be provided to take into account an existing ancillary office. Visitor parking is not included where it is argued that the proximity of the public car park in Lower Street ought to provide a relaxation of the normal standards in this respect. The submitted parking layout shows the existing/proposed parking arrangement.
- 10.6 The Council previously took the view with the 1997 change of use application from A1 to A2 following a third party enquiry that the use of the strip of land to the side of the building where two of the parking spaces for that proposal would not be on land within the applicant's ownership or control would not compromise the permission already granted where land ownership in this situation was not regarded as being a material consideration and where a parking condition was not otherwise imposed. Likewise with the current application, whilst the comments from the two local residents regarding this matter are noted, this situation remains the case with the present application where, according to the transfer/conveyance plan produced, one of the side parking spaces proposed to the side would be on land outside the applicant's ownership and control and where civil law can be separately enforced if necessary.
- 10.7 Notwithstanding the above, it is considered that the proposed introduction of two separate flats at the site in favour of a permitted ancillary flat to the shop below as existing will give rise to a potential conflict in parking and turning arrangements between the existing user of the shop on the ground floor and the occupiers of the two flats above were the latter to be car owners where tandem parking is shown and where it was previously identified in the 2008 preliminary enquiry for a side addition to the building (proposal not implemented) that turning within the site is very tight and where it was considered that the use of the front parking area by the applicant then as is the case now was unacceptable for highway safety reasons. It should be noted in this respect that at the time of the officer visit for the current application that the applicant's van was parked to the side of the building, which would place a greater problem for manoeuvring were this to have to be parked in parallel fashion at the front of the site to make way for the flat parking.

## **11.0 CONCLUSION**

- 11.1 Whilst the reasons for the applicant wishing to utilise the first floor of this frontage building to provide a financial revenue for the shop below are noted (which by itself is not a material planning consideration), it is considered that the proposal would give rise to a conflict in parking and turning movements at this busy road frontage location, particularly were all of the allocated parking spaces to be occupied at the same time and where tandem parking is also shown to be provided for the flat parking. As such, the proposal is considered to be contrary to ULP GEN1 of the adopted local plan which states that the design of the site must not compromise road safety and contrary to ULP GEN8 which states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location.

## **RECOMMENDATION – REFUSAL**

The proposal would lead to a potential intensification of parking at the site where this is likely to result in a conflict of parking and turning movements between the various users of the site and by the occupiers of the adjacent residential property, No.12 Chapel Hill and where this could in turn give rise to a hazard to highway safety contrary to Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).



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