

## UTT/1304/12/FUL - TAKELEY

**PROPOSAL:** Change of use from vacant land to airport car parking for a temporary period of 3 years

**LOCATION:** Site 500, Coopers End Road, Stansted Airport

**APPLICANT:** AP27 Limited c/o Arora Management Services Limited

**AGENT:** N/A

**GRID REFERENCE:** TL547224

**EXPIRY DATE:** 27<sup>th</sup> September 2012

**CASE OFFICER:** Jeremy Pine

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### **1. NOTATION**

1.1 Within airport development limits and southern ancillary area.

### **2. DESCRIPTION OF SITE**

2.1 Site 500 is a 2.3ha grassland site located within the boundary of Stansted Airport immediately north of Bassingbourn Roundabout between Bassingbourn Road and Thremhall Avenue, which are two of the roundabout's spurs. The Coopers End staff car park and Endeavour House (a 4-storey office building) lie to the northeast of the site, both served by accesses onto Coopers End Road which runs between Bassingbourn Road and Thremhall Avenue, and parallel to them. Access to the application site is via a mini roundabout at the southwestern end of Coopers End Road from where there is a short section of connecting road running northwest to a signalised junction with Bassingbourn Road. The Taylors End Industrial Estate lies between Long Border Road, Bassingbourn Road and Thremhall Avenue, west of Bassingbourn Roundabout.

2.2 A grassed bund encloses the site on all but its northeast side, where there is a boundary hedge except at the point of access.

### **3. PROPOSAL**

3.1 Site 500 would be used as an airport car park for passengers providing approximately 600 spaces. An illustrative layout has been submitted showing that the following would be provided:

- 4.8m x 2.4m parking spaces with 6m aisles
- 3 lanes for customer drop-off and pick-up
- a central kiosk / office with bus pick-up
- parking for 2 x 17-seat shuttle minibuses
- 1.8m high chainlink security fencing

3.2 It is also likely that entry / exit barriers (possibly with automated number plate recognition) would be installed at the entrance. The car park would be capable of operation either on a self park basis or valet park (both with shuttle bus transfer to the terminal), or as a meet and greet operation or a combination.

3.3 This is a "hybrid" planning application in that it is a full application for change of use, but with detailed matters reserved for subsequent approval (as with outline applications).

#### **4. APPLICANT'S CASE**

4.1 A planning, design and access statement has been submitted. The statement sets out 4 main reasons for this application:

- 1) Strong demand from independent car park operators who are unable to obtain on-airport sites due to the monopoly control of the airport operator, coupled with the District Council's restrictive planning policies on airport related car parking outside the airport boundary (ULP Policy T3)
- 2) Minimal prospect of the permitted office building (Endeavour House 2) being constructed on the application site due to the reduced need for office space for airport users and their ability to use off-airport premises (part of Endeavour House remains vacant)
- 3) Would provide consumer choice and competition to the benefit of airport users and consumers
- 4) A temporary permission ensures that the local planning authority has control over future use of the site

#### **5. RELEVANT SITE HISTORY**

- 5.1 UTT/1150/80 - Outline planning permission granted for the expansion of Stansted Airport to 15mppa in 1985, with 20 years allowed for the submission of reserved matters. Reserved matters approval for Endeavour House was granted in 1998.
- 5.2 UTT/1000/01/OP - Outline planning permission granted for expansion of Stansted Airport from 15-25mppa in 2003, with 8 years allowed for the submission of reserved matters. The outline planning permission included permission for office accommodation and ancillary development on Site 500 (referred to at that time as Site L: Coopers End West).
- 5.3 UTT/0717/06/FUL - Full planning permission (variation of UTT/1000/01/OP conditions) granted on appeal for expansion of Stansted Airport from 25-35mppa (Generation 1) in 2008, with 8 years again allowed for the submission of reserved matters. The planning permission rolled forward the permission for office accommodation and ancillary development on Site 500 (referred to at that time as Endeavour House 2)

#### **6. POLICIES**

##### **6.1 National Policies**

National Planning Policy Framework

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

Policy E7 (*The Region's Airports*)  
Policy T12 (*Access to Airports*)

##### **6.3 Uttlesford Local Plan 2005**

Policy S4 (*Stansted Airport Boundary*)  
Policy AIR3 (*Development in the Southern Ancillary Area*)  
Policy GEN1 (*Access*)  
Policy GEN2 (*Design*)  
Policy GEN3 (*Flood Protection*)  
Policy GEN4 (*Good Neighbourliness*)  
Policy GEN5 (*Light Pollution*)  
Policy GEN7 (*Nature Conservation*)

Policy GEN8 (*Vehicle Parking Standards*)  
Policy ENV4 (*Ancient Monuments and Sites of Archaeological Importance*)  
Policy ENV12 (*Protection of Water Resources*)  
Policy T3 (*Car Parking Associated with Development at Stansted Airport*)

- 6.4 The Essex Structure Plan policy relating to the airport (Policy BIW7) expired on 27/9/2007.

## 7. PARISH COUNCIL COMMENTS

- 7.1 Takeley: No objections, but expects UDC to robustly enforce the no airport related parking policy outside the airport boundary.

## 8. CONSULTATIONS

- 8.1 BAA Safeguarding: No safeguarding objections, but give advice on the use of cranes and the design of lighting.

## 9. REPRESENTATIONS

- 9.1 This application has been advertised on site as a major development, notification period expired 31/7/12. No representations have been received.

## 10. APPRAISAL

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

- A The principle of the development would be acceptable (EEP Policy E7, ULP Policies S4 and AIR3)**
- B The design and highway aspects of the proposal would be satisfactory (EEP Policy T12, ULP Policies GEN1, 2, and 8)**
- C There would be any implications for the safe operation of the airport (ULP Policy GEN5), and**
- D There are any other material considerations which weigh for or against the granting of planning permission**

- A Whether the principle of the development would be acceptable (EEP Policy E7, ULP Policies S4 and AIR3)**

- 10.2 Under EEP Policy E7 and ULP Policy S4, provision is made for development directly related to or associated with Stansted Airport to be located within the boundaries of the airport. Under ULP Policy AIR3, the southern ancillary area is principally reserved for activities directly related to, or associated with the airport including car parking.

- 10.3 Site 500 has had the benefit of outline planning permission for office accommodation since 2003, but this has not been built due to lack of demand. The use of this land for passenger car parking as an alternative to office use is acceptable under EEP Policy E7 and ULP Policies S4 and AIR3.

- B Whether the design and highway aspects of the proposal would be satisfactory (EEP Policy T12, ULP Policies GEN1, 2, and 8)**

- 10.4 The illustrative car parking layout that has been provided shows a standard aisle and bay arrangement with the bus pick up and set down area in the middle of the site. The size of the parking bays at 4.8m x 2.4m would be below the Council's current minimum standard (5m x 2.5m), but in this case this is a matter for consumer choice. The existing bunds and hedges which enclose the site would be retained. Planning conditions can be imposed to deal with matters of detail such as the design of the

office kiosk building and boundary security fencing.

- 10.5 The traffic generated by the current proposal has to be compared to that which would be generated by the approved but unimplemented office use. Office use would tend to result in high levels of movements within the traditional am and pm peak hours, whereas passenger car park use would likely result in a more dispersed pattern of movements. In view of the current reduced level of activity at the airport it is considered that, in any event, the additional traffic generated would not be significant for the 3 year life of a temporary permission.
- 10.6 Other than car journeys to and from the car park that would have a local origin, it would be possible for all traffic to arrive at and depart from the car park using the airport road system and the wider strategic road network. This contrasts with off-airport car parks where there is usually an impact on the local road network because of the location of these car parks beyond the airport boundary.
- 10.7 The proposals would comply with EEP Policy T12 and ULP Policies GEN1, 2 and 8.

**C Whether there would be any implications for the safe operation of the airport (ULP Policy GEN5)**

- 10.8 BAA Safeguarding has given advice on the design of lighting close to aerodromes and runway approaches. A planning condition can be imposed to control the spread of lighting in the interests of aircraft safety.
- 10.9 The proposals would comply with ULP Policy GEN5

**D Whether there are any other material considerations which weigh for or against the granting of planning permission (ULP Policies GEN1, 2, 3, 4 and 7, ENV4 and 12 and T3)**

Car parking provision / competition

- 10.10 There is no shortage of land for passenger car parking within the airport boundary. A recent joint statement on parking provision prepared by the Council and London Stansted is attached as an appendix to this report. This statement will be updated periodically, and will be submitted as evidence at planning appeals when defending refusals of planning permission for off-airport car parking proposals under ULP Policy T3 or its successor. The statement sets out the current level of provision at the airport and how future provision will be made. ULP Policy T3 states that proposals for car parking associated with any use at Stansted Airport will be refused beyond the airport boundary.
- 10.11 Last year, the Committee will recall that an enforcement appeal was dismissed for airport related car parking on land at 45 Ardent House, M11 Business Park within the Metropolitan Green Belt between Birchanger and Stansted Mountfitchet. Whilst upholding Policy T3, it is clear that the Inspector had some sympathy for an appellant who was seeking to compete with London Stansted for provision of passenger car parking. The Inspector varied the enforcement notice to allow a 24 month compliance period. This he did notwithstanding Policy T3 because he felt that the appellant "may yet be able to make out a good case for the change of use of the site", although he was not able to conclude that Policy T3 was "unfairly preventing competition with the airport operator's chosen providers". He also said that, were it not for Policy T3 "the economic benefits of the business, combined with the site history and other considerations that I have mentioned, would in my assessment have outweighed the harm by reason of inappropriateness".
- 10.12 Whilst care must always be taken to not read too much into a single appeal decision, the Council will be able to more robustly uphold Policy T3 at appeal if it can show that competition is not being stifled within the airport boundary. Granting planning

permission for these current proposals would obviously assist in that respect.

### Sustainability

- 10.13 The joint statement also describes the public transport levy which is charged on each car park transaction in the short, medium and long stay car parks operated by London Stansted. The levy provides funding for improvements to public transport, cycling and walking at the Airport in response to sustainability objectives for the Area Transport Forums (ATF) that were set out initially in the 1998 White Paper "A New Deal for Transport". The levy is also part of the planning obligation signed by the Council and BAA in 2003 for expansion from 15-25 million passengers per annum, and is also an element of the Airport Surface Access Strategy (ASAS) for Stansted Airport 2008-2015 which was approved by the ATF. The recent draft Aviation Policy Framework (DfT July 2012) suggests that similar sustainability objectives will be rolled forward for ATFs and the relevant ASAS in the new Government advice.
- 10.14 ULP Policy GEN1 (*Access*) states that development will only be permitted if, inter alia, it encourages movement by means other than driving a car. In the Council's new draft Local Plan Policy TA2 (*Car Parking Associated with Stansted Airport*) it is intended that all on-airport car parking is integrated into and contributes to the funding of the ASAS. Whilst the new draft policy currently only has very limited weight, the principle of the levy is now well established at Stansted following the 1998 White Paper and meets the sustainability requirements of ULP Policy GEN1. It is therefore considered that the applicant should be required to make a proportionate contribution to the levy from the income from the car park, and this can be secured via a planning obligation. Under the Community Infrastructure Levy Regulations 2010 (as amended), officers are satisfied that entering into an obligation to charge a parking levy is a reason for granting planning permission in this instance because:
- The obligation is necessary to make the development acceptable in planning terms (*meeting the sustainability objectives of ULP Policy GEN1 to encourage movement by means other than driving a car*)
  - The obligation is directly related to the development (*it relates to a change of use of land for which planning permission is required*), and
  - The obligation fairly and reasonably relates in scale and kind to the development (*the amount raised via the levy would be proportionate to the number of car parking spaces provided*)

### Reducing kiss and fly car journeys

- 10.15 Kiss and fly movements are an unsustainable means of transport because they involve 4 separate trips by car from the home to the airport and vice versa, compared with 2 for drive and park. At Stansted, kiss and fly accounts for about 20% of all passenger trips and 39% of all passenger surface access carbon emissions. The applicant argues that the most effective way of reducing kiss and fly is provision of an attractive airport car park offer as is proposed in this planning application. Some weight can be given to this argument, although officers consider that kiss and fly is more likely to occur because of a lack of convenient public transport. Targets in the ASAS seek to promote the use of rail and bus / coach services in the areas where the highest numbers of kiss and fly movements originate (particularly the Cambridge area).

### Other matters

- 10.16 When the Secretaries of State granted planning permission for Generation 1 in 2008, a number of conditions were imposed in their decision letter. Some conditions were site specific, others were more general and related to all the airport development sites including the proposed office accommodation on Site 500, particularly:
- Approval of details of building(s), parking areas and landscaping
  - Archaeology (ULP Policy ENV4)
  - Water quality / drainage (ULP Policy ENV12)
  - Construction (ULP Policies GEN1,2 and 4)
  - Waste recycling (ULP Policy GEN2)

- Energy efficiency (ULP Policy GEN2)
- Nature conservation (ULP Policy GEN7)

10.17 This application seeks to establish only the principle of the use of the land for car parking, so it is appropriate to reimpose those earlier conditions where they are relevant to the proposed use. Under advice in Circular 11/95 (*The Use of Conditions in Planning Permissions*), a temporary permission is appropriate in this case because the applicant is proposing temporary development so as to not compromise the ability of the airport to accommodate any future directly related office users that might choose to locate on-airport. It would not be appropriate in this case to require reinstatement of the land after the expiry of the permission because any future use for offices would use the hardstanding area for parking and servicing.

## 11. CONCLUSION

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

- A Passenger car parking is an appropriate use of land within the airport boundary
- B There should be no material impact from the car park operation on the road network
- C Allowing competition for car parking within the airport boundary should help the Council robustly defend ULP Policy T3 on appeal
- D The car park operation can be integrated into the ASAS

### **RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO A SECTION 106 LEGAL OBLIGATION**

- (I) The applicant be informed that the Committee gives delegated powers to the Assistant Director Planning and Building Control in his discretion to refuse planning permission for the reason set out in paragraph (III) unless by 22<sup>nd</sup> February 2013 the freehold owner(s) enter into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such an agreement to secure the following:
  - (i) Charging a levy on each car park transaction to support improvements to public transport, cycling and walking at the airport in response to objectives of the Stansted Area Transport Forum as set out in the 2008-2015 Airport Surface Access Strategy
  - (ii) Payment of the Council's reasonable costs
- (II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant planning permission subject to the conditions set out below:
- (III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning and Building Control shall be authorised to refuse to grant planning permission for the following reason:
  - (i) The provision of further passenger car parking within the airport boundary would, in the absence of a levy being charged, not encourage movements by means other than driving a car contrary to Policy GEN1(e) of the ULP

### **CONDITIONS**

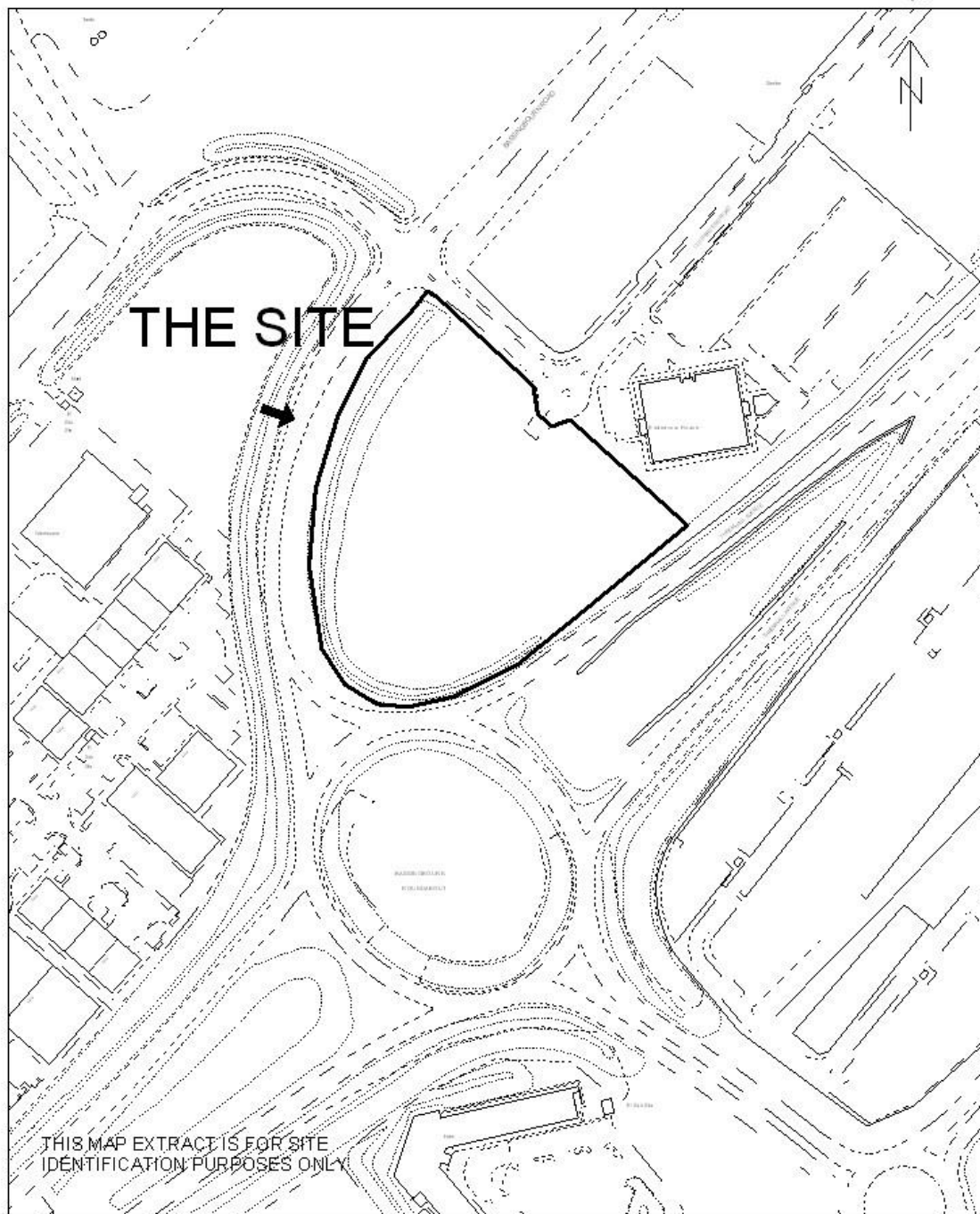
1. This planning permission shall expire 3 years from the date of this decision notice. By that date; a) the use hereby permitted shall have been discontinued, b) all parked vehicles shall have been cleared from the site, and c) the site entrance shall have been sealed up in a manner previously agreed in writing with the local planning authority .  
REASON: A temporary permission is sought in this instance by the applicant.

2. Approval of the details of the siting, design and external appearance of the building(s), structures, and parking areas hereby permitted and the fencing of the site (herein referred to as "reserved matters") shall be obtained from the local planning authority in writing before the development commences.  
REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. Plans and particulars of the reserved matters referred to in Condition 2 shall be submitted in writing to the local planning authority and the development permitted shall only be carried out as approved.  
REASON: For the avoidance of doubt as to the nature of the development permitted, to ensure development is carried out in accordance with the approved application details and to ensure that the development is carried out with the minimum harm to the local environment in accordance with Policies S4, AIR3, GEN1, GEN2, and GEN8, of the Uttlesford Local Plan (adopted 2005).
4. No development shall take place until the developer has secured on the site the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall previously have been submitted to and approved in writing by the local planning authority. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority to allow observation of the excavations and the recording of items of interest and finds within the site.  
REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).
5. No development shall take place until:  
a) a detailed investigation has been carried out, the method and extent of which shall previously have been agreed in writing with the local planning authority, to establish the degree and nature of any contamination present and to determine its potential for the pollution of the water environment, and  
b) details of appropriate measures to prevent pollution of groundwater and surface water of and from the site have been submitted to and approved in writing by the local planning authority. The approved measures shall subsequently be carried out as approved.  
REASON: To prevent pollution of groundwater and surface water in accordance with Policy ENV12 of the Uttlesford Local Plan (adopted 2005).
6. No development shall take place until the developer has submitted and gained approval from the local planning authority of a written scheme providing details of water efficiency measures that will be incorporated into the relevant development. The water efficiency measures set out in the approved statement shall thereafter be provided and retained.  
REASON: To minimise water consumption in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
7. Unless otherwise agreed in writing with the local planning authority, the development shall not be brought into use until a water meter has been fitted within the relevant development, which shall be used for the metering of all water supplied to the development thereafter.  
REASON: To minimise water consumption in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
8. Surface water drainage works shall be carried out in accordance with details which shall have been submitted and approved in writing by the local planning authority before development commences.  
REASON: To ensure suitable drainage for the development, in accordance with

Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

9. No development shall take place until the local planning authority has given written confirmation that it is satisfied that adequate sewage infrastructure will be in place to receive foul water discharges from the site. The use hereby permitted shall not commence until such infrastructure is in place.  
REASON: To ensure suitable drainage for the development, in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).
10. No development shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan as submitted shall include: a) routes to be used by contractors' vehicles moving to and from the site (and the appropriate signing thereof), and b) temporary noise protection measures relating to the site. The plan shall subsequently be implemented as approved for the duration of the construction of the development.  
REASON: In the interests of highway safety and the amenity of the area in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).
11. No development shall take place until construction management proposals specific to that site (e.g. hours of working, wheel washing and dust suppression measures) have been submitted to and approved in writing by the local planning authority. The proposals shall subsequently be implemented as approved for the duration of the construction of the development.  
REASON: In the interests of the amenity of the area in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).
12. No development shall take place until the developer has submitted and gained approval from the local planning authority of a written statement providing details of waste recycling measures that will be incorporated into the relevant development. The waste recycling measures set out in the approved statement shall thereafter be provided and retained.  
REASON: To reduce waste production and encourage recycling in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
13. No development shall take place until the developer has submitted and gained approval from the local planning authority of a written statement providing details of energy efficiency measures that will be incorporated into the relevant development. The energy efficiency measures set out in the approved statement shall thereafter be provided and retained.  
REASON: To minimise energy consumption in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
14. No development shall take place until: a) a survey of the site identifying its nature conservation status has been submitted to and approved in writing by the local planning authority, and b) a translocation scheme for any protected species identified in the survey has been implemented in accordance with details which shall previously have been submitted to and agreed in writing by the local planning authority.  
REASON: In the interests of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).
15. All lighting required during construction and for the duration of the development shall be of flat glass, full cut off design, mounted horizontally and shall ensure that there is no light spill above horizontal.  
REASON: To avoid endangering the operation of aircraft through confusion with aeronautical ground lights or glare in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).





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