

UTT/1167/12/FUL – (STANSTED MOUNTFITCHET)
(Referred to Committee by Cllr Salmon. Reason: Loss of amenity)

PROPOSAL: Erection of 9 chalets

LOCATION: Yuva Restaurant, Cambridge Road, Stansted Mountfitchet

APPLICANT: Mr Harun Khan

AGENT: Mr David Harmon

GRID REFERENCE: TL 510-252

EXPIRY DATE: 2 August 2012

CASE OFFICER: Nicholas Ford

1.0 NOTATION

1.1 Within development limits. Affects the setting of a listed building. Groundwater protection zone.

2.0 DESCRIPTION OF SITE

2.1 The Yuva restaurant is located on the northern side of Cambridge Road in the local commercial centre of the village. The building is a mid 19th Century Grade II listed two storey brick built building with a 17th Century timber framed and plastered range to its rear. To its rear is a hard standing car park with access from Cambridge Road. Beyond this is a fenced area subject of this application that borders open space and a substation to the northwest, the rear gardens of dwellings to the south and commercial premises to the north. The land is features unkempt grass with trees to boundaries.

3.0 PROPOSAL

3.1 The application proposes erection of three buildings to house 9 letting rooms adjacent the north and west boundaries. Each unit would have a bed and shower room. The remaining area would form a courtyard of nine parking spaces and two landscaped areas. Access would be taken through the existing car park for the restaurant. Trees would be removed on the western boundary to accommodate development.

3.2 The buildings would be about 4.1 metres high to ridge and 2.2 metres high to eaves when level. Materials proposed comprise black featheredge timber boarding and a hand made clay plain tile roof. There would be conservation range roof lights installed in the rear elevation roof planes.

4.0 APPLICANTS CASE

4.1 See Design and Access Statement.

5.0 RELEVANT SITE HISTORY

5.1 None.

6.0 POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S1 Development limits for the Main Urban Areas
- Policy LC5 Hotels and Bed and Breakfast Accommodation
- Policy ENV3 Open Spaces and Trees
- Policy GEN1 Access
- Policy GEN2 Design
- Policy GEN4 Good Neighbourliness
- Policy GEN8 Vehicle Parking Standards

7.0 TOWN COUNCIL COMMENTS

7.1 Object. Over intensification. Additional traffic movements onto the already over capacity B1383. The effects of the re-development site opposite on highways must be taken into account. Concerned for loss of existing parking for staff and customers.

8.0 CONSULTATIONS

Environment Agency: No objections subject to a contamination condition due to a groundwater source protection zone.

Veolia Water: Advice for applicant regarding groundwater source protection zone.

Thames Water: Surface water drainage is the responsibility of the developer.

Environmental Health: The proposed development is unsuitable for long term residential occupation. A condition is proposed to limit occupation.

Conservation Officer: Verbal comments: The appearance of the building is appropriate to its context and the setting of the listed building would not be diminished.

Landscape Officer: The trees proposed to be removed are not outstanding specimens. The 2 poplar trees and 1 willow tree although mature are not well formed and their long-term viability is limited. It is recognised that these trees do form a backdrop to the site when viewed from the Cambridge Road and that the trees help to articulate the public open space to the north-west of the site. However, these trees are not considered to be of sufficient visual amenity value to warrant protection under a tree preservation order. No objection is raised to the removal of these trees.

In the circumstances of the application being approved it is recommended that a landscaping condition is applied requiring a strip of screen planting to be provided to subdivide the designated chalet parking area from the restaurant car park in order to soften the appearance of the development in views taken from the Cambridge Road frontage of the site.

Highway Authority: No objection subject to conditions.

Access and Equalities Officer: Accessible parking should be adjacent the property to reduce transfer and the en-suite shower room with corner w.c. needs to be 2400x2500 - to meet Building Regulations. An informative should be applied.

9.0 REPRESENTATIONS

9.1 Notification period expired 12 July 2012.

1. Concern related to loss of trees. The trees are of public amenity and are clearly seen from the green and Cambridge Road. The trees are not dead, although one would benefit from ivy removal. I would have no objection to the holiday chalets if the proposed position of the western

building was drawn sufficiently away from the trees to avoid root damage, necessity to lop or fell trees, suitable foundations to avoid root damage and protective fencing being in place prior to and during construction. This would allow development to proceed and maintain the trees to the benefit of the appearance of the site. The applicant's negative description of the site is misleading. The applicant has chosen not to use the site and the reference to fly tipping gives the wrong impression. The site itself and any activities on it have minimal impact on the area. However, the trees make a significant and positive contribution to the green and their loss would detract from the experience of all users of the green, footpaths and local residents.

10.0 APPRAISAL

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

10.1 Whether new building for bed and breakfast accommodation would not harm the character and amenities of the surrounding area, preserve the amenity of neighbouring properties, provide satisfactory means of access and parking provision and not result in loss of visually important trees (ULP Policies S1, LC5, ENV3, GEN1, GEN2, GEN4 and GEN8).

10.2 The application site is within development limits to the rear of the Yuva restaurant which itself is within the defined local centre of Stansted. Policy S1 permits development in principle within Stansted if it is compatible with the character of the settlement. The land in question appears associated with the use of the building as a public house. There is no planning policy that protects public houses from change of use or their gardens within development limits of towns and as such no objection in principle to the re-use of associated land or garden.

10.3 The buildings proposed would be single storey and would not have a significantly high pitch. Therefore, although close to boundaries of neighbouring properties, particularly on the northern side, it is considered that the buildings would not be of uncharacteristic scale. In terms of appearance they would be relatively narrow span ranges due to their single storey nature and this is not uncommon to the appearance of the range that runs to the rear of the listed building. The materials proposed are appropriate in relation to the setting of the listed building and can be controlled by condition. It is considered that the setting of the listed building would be satisfactorily preserved.

10.4 Access would be shared with the existing car park onto Cambridge Road. There appears to be no conflict with means of access through this car park and existing parking provision considering the submitted layout. The Highway Authority has no objection to the proposal. Adequate parking provision is provided as one space per unit of dimensions to meet the parking standard.

10.5 The amenity of neighbouring residents is to be considered with regard to traffic movement, associated noise and disturbance. The land appears to be currently unused but could be used in association with the restaurant with associated activity and disturbance. The introduction of letting rooms would not alter that context but vehicle movements would be closer to neighbouring properties, however, vehicle movements are already associated with the existing car park close by and there would be a metre buffer that could be used for intervening planting. The buildings would be single storey and there would be no significant impact with regard to overbearing or overshadowing impact. The same is considered to apply in regard to overlooking. Roof lights would be high level and would not pose significant potential for overlooking. No objection is therefore raised.

10.6 There are trees on the western boundary of the application site which are proposed to be felled to accommodate the new building. A representation objects to their loss. These trees are not protected by preservation order. Whilst the trees form a backdrop to the site viewed from Cambridge Road, the Landscape Officer considers their long term viability to be limited and not of sufficient amenity value to warrant protection. No objection is therefore raised to their removal.

11.0 CONCLUSION

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

11.1 Subject to the proposed chalets would accord with policies.

RECOMMENDATION – CONDITIONAL APPROVAL

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out unless the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval for this from the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

4. Before development commences details of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.

5. Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels [earthworks to be carried out]
- b) means of enclosure
- c) hard surfacing, other hard landscape features and materials
- d) existing trees, hedges or other soft features to be retained
- e) planting plans, including specifications of species, sizes, planting centres, number and percentage mix

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.

6. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.

7. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

8. Before development commences details shall be submitted to and approved in writing by the Local Planning Authority of areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic clear of the highway.

REASON: To ensure that appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

9. The use hereby permitted shall be for short-stay holiday lets only. The maximum period that any person may occupy the building shall be four weeks in any period of six months calculated from the first day of occupation by that person.

REASON: The buildings are unsuitable for occupation in the interests of amenity in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.

