

UTT/14/1549/FUL (STANSTED)

(Referred to Committee by District Councillor Rich as inappropriate backland development, over development and inappropriate access)

PROPOSAL: **Erection of 2 no. semi-detached and 1 no. detached dwelling with associated access, parking and landscaping.**

LOCATION: **Yuva, 21 Cambridge Road, Stansted Essex CM24 8BX.**

APPLICANT: **Mr Harun Khan**

AGENT: **Mr David Harmon**

EXPIRY DATE: **17 July 2014**

CASE OFFICER: **Samantha Heath**

1. NOTATION

- 1.1 Within development limits; affects the setting of a listed building; Groundwater protection zone.

2. 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 and dilapidated unused play equipment.

3. PROPOSAL

- 3.1 It is proposed to erect one detached dwelling and a pair of semi-detached dwellings on this site. The detached dwelling would have maximum dimensions of 6.9m in width and 10.5m in depth. It would have an eaves height of 5m and a maximum ridge height of 9.2m. The semi-detached pair would be 12.2m in width and 10.5m in depth with the same eaves and ridge height as the detached unit. They would have two-storeys and 3 bedrooms. The external materials of the building would be render and brick with clay plain tiles and upvc fenestration
- 3.2 Access to the site will be from Cambridge Road and there will be two parking spaces will be provided to the front of the dwellings for each unit.

4. APPLICANT'S CASE

- 4.1 See Design and Access Statement.

5. RELEVANT SITE HISTORY

- 5.1 UTT/1167/12/FUL Erection of 9 No. chalets. Approved 23.08.12.
- 5.2 UTT/14/0064/FUL Erection of 3 no. detached dwellings with associated access, parking and landscaping. Refused due to the absence of any legal agreement to address the need for affordable housing market type and tenure across the district, contrary to the Developer Contributions Guidance Document adopted as a material consideration March 2014.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework (2012)

6.2 Uttlesford District Local Plan 2005

- Policy S1 - Development limits for the Main Urban Areas
- Policy GEN2 – Design
- Policy GEN7 - Nature Conservation
- Policy GEN8 - Vehicle Parking Standards
- Policy H3 - New houses within development limits
- Policy ENV2 - Development affecting listed buildings
- UDC Parking Standards
- Developer Contributions Guidance Document

7. PARISH COUNCIL COMMENTS

- 7.1 This is a substantial development, and a substantial change to Cambridge Road. The Parish Council believes that this application constitutes inappropriate backland development, overdevelopment of the site and an inappropriate access road through a car park. This would set a dangerous precedent for the village as a whole and the centre of the village in particular. We are also not aware of any "legal agreement" being in place, as is claimed in the decision notice when the previous application was refused, relating to affordable housing contribution on or off the site.
Expired 25.06.14

8. CONSULTATIONS

- 8.1 ECC Archaeology – RECOMMENDATION: Archaeological trial trench and excavation "No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority."
Reason: The Essex Historic Environment Record shows that the proposed development lies in a sensitive area within the core of part of the historic settlement at Stansted Mountfitchet. The area is shown on the first edition Ordnance Survey map as a concentration of settlement on the main London to Cambridge Road. The house on the road frontage is grade II listed dating to the 17th century (EHER 36481). It was originally constructed as the Bell Public House. There is the potential for earlier structures set back from the road frontage.
Expired 18.06.14.

Essex County Council - Highways

- 8.2 No objection subject to the conditions.

Affinity Water

- 8.3 Proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Stansted Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Thames Water

- 8.4 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

9. REPRESENTATIONS

- 9.1 28 Neighbours were notified. Consultation expired 18.06.14.
4 letters of objection received– loss of privacy, overlooking, block natural light in garden, increase in noise and traffic congestion along Cambridge Road.

10. APPRAISAL

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

- A The principle of development of the site. (NPPF and ULP Policies S1 and H3).
- B Design and visual impact / adjacent listed buildings (ULP Policies H3, GEN2 and ENV2).
- C Impact on residential amenity (ULP Policies H3 and GEN2)
- D Whether parking provision and access is satisfactory (ULP Policies GEN1 and GEN8 and UDC Parking Standards)
- E Impact of the proposal on Protected Species (ULP Policy GEN7)
- F Affordable Housing Contributions (Developer Contributions Guidance Document)

A The principle of development of the site

- 10.1 The site is located within the development limits for Stansted and as such ULP Policies S1 and H3 apply. These are permissive policies where planning permission will be granted for development that is compatible with the settlements character. 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.

B Design and visual impact / adjacent listed buildings

- 10.2 The character of this area of the village is that of two storey dwellings which are a mix of period and modern properties, there are dwellings either side and to the rear of this plot.

The character of this area of the town is generally that of semi-detached pairs of two storey dwellings of a uniform style, the buildings proposed would be two storey and would not have a significantly high pitch. Therefore, although closer to boundaries of neighbouring properties on the southern side, it is considered that the buildings would not be of uncharacteristic scale. The materials proposed are appropriate in relation to the setting of the listed building and can be controlled by condition. The Councils' Conservation Officer considers that the setting of the listed building would be satisfactorily preserved. The erection of dwellings on this site would be compatible with the settlements character.

- 10.3 The proposed design is relatively small in scale with a footprint of approximately 72m² for the detached dwelling and approximately 64m² for the semi-detached dwellings. It is not considered that the proposal would be unduly out of keeping with the character of the existing dwellings in this locality. Parking provision is proposed to be to the front of the dwelling, this is not considered to be out of keeping with the local area. Garden sizes fall just short of the recommended 100sqm for three bedroom dwellings however given the site's location in the near vicinity of green spaces and public amenity land this is considered to be acceptable in this instance. The design of the proposed dwelling follows the vernacular characteristics of houses typical of this region and uses traditional materials commonly seen in Essex.

Taking all of the above into account, in this instance, it is not considered that the impact of the proposal on the visual amenities of the locality would be so great that permission could be refused on this basis.

C Impact on residential amenity

- 10.4 With regard to impact on residential amenity, the proposal has been revised from UTT/14/0064/FUL which originally proposed three detached dwellings so that the dwellings could be moved further away from the southern boundary with properties located on Bentfield Gardens.

At its closest point, the south side elevation of the dwelling would be located approximately 2m from the side boundary and approximately 10m from the rear elevation of the houses to the south. With regard to the distance from the proposed dwellings to the north-east boundary while this is closer at 1m, the neighbouring site is commercial and it is the parking area for this property that is adjacent to the site. It is considered that there will be no significant over-bearing or over-shadowing impact on neighbouring dwellings.

The proposal does include windows on the side elevations however those at first floor level are proposed to be obscure glazed. Any potential overlooking from front or rear windows would be at an oblique angle and more than 10m away therefore not significant enough to warrant refusal. It is therefore considered that there will be no significant overlooking impact to immediate neighbours.

In consideration of the above therefore, it is believed that there would be no material significant overlooking, overshadowing or over bearing effect.

No other residential properties would be affected by the development.

- 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 new dwellings would result in vehicle movements would closer to neighbouring properties, however, vehicle movements are already associated with the existing car park close by. No objection is therefore raised.

D Whether parking provision is satisfactory

- 10.6 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 two spaces per unit of dimensions to meet the parking standard.

The site is sustainable with regard to the availability of public transport and services within walking distance. The erection of three dwellings would not generate a volume of traffic that would impact on the surrounding transport network.

- 10.7 Neighbours comment on the congestion and parking issues that exist currently on Cambridge Road, this is an existing situation that the developer cannot address or indeed be expected to. It is considered that the parking provision provided on site is sufficient and that the provision of additional dwellings in this location will not exacerbate this existing situation.

- 10.8 Furthermore, it is considered that the remaining parking provision for the restaurant is sufficient given its central location in the village, the fact that many customers would be local and therefore walk, the nearby public carpark and availability of public transport. In addition it is proposed to remove the sheds to the rear allowing more space for parking.

E Impact of the proposal on Protected Species

- 10.9 With regard to ecology, the answers to the submitted biodiversity checklist and the Officer's site visit have shown that the proposed development would not have any impact on any protected species.

F Affordable Housing Contributions

- 10.10 In June 2013 The Council adopted a guidance document in respect of developer contributions. The Council has adopted a Housing Strategy (2012) which sets out the Councils approach to housing provision over the next three years. The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the district. The Strategic Market Area Assessment supports the provision of a range of affordable housing and suggests that a financial contribution should be made on sites of 1-4 dwellings. It states that on a 3 unit development a contribution that equates to 60% of the cost of 1 affordable unit for the locality should be made i.e. £75,000. The applicant has agreed to pay this contribution and a unilateral undertaking has been signed.

11. CONCLUSION

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

The proposal is considered to be in accordance with the relevant Uttlesford Local Plan policies and the application is recommended for approval.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freeholder owner enters 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 obligation to secure the following:

- (i) secure contribution towards affordable housing**
- (ii) pay Council's reasonable costs**
- (iii) pay monitoring costs**

(II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below

(III) If the freehold owner shall fail to enter into such an obligation by 7 August 2014, the Assistant Director of Planning and Building Control shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:

- (i) lack of contribution towards affordable housing**

Conditions/reasons

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. No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

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 Policies GEN2 and ENV2 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. Prior to commencement of the development, the 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 shall be identified clear of the highway. Details to be submitted to and approved in writing by the Local Planning Authority.

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

7. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5 metres, shall be

retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

8. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

9. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

10. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

Application Number: UTT/14/1549/FUL

Address: Yuva 21 Cambridge Road Stansted Essex CM24 8BX



Scale: 1:1,610

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