

UTT/15/0145/FUL - (Stansted)

Referred to Committee by Councillor Dean: Reason – Due to significant community concern about access and parking.

PROPOSAL:	A development comprising a ground floor retail unit, 1 bed apartment at first floor and 1 bed apartment at loft level (Option B, REVISED APPLICATION)
LOCATION:	Land South of Clark Close Stansted
APPLICANT:	Mr Chirayo Patel
AGENT:	A + Architecture Studio
EXPIRY DATE:	25 April 2015
CASE OFFICER:	Emmanuel Allannah

1. NOTATION

1.1 Within Development Limits; Aerodrome Direction and within 6KM to Stansted Airport.

2. DESCRIPTION OF SITE

2.1 The application site is described as plot 164 Forest Hall Park, at the turn of Clark Close to the south of the open ground and residential neighbourhood. It is bounded on the western and southern parts by both two to two and half storeyed dwellings; to the eastern side by a new primary school and to the northern part by existing open land designated for health centre site in accordance with the approved Master Plan comprising at present of more than 700 dwellings (See page 78 paragraph 17.4 of the Uttlesford Local Plan adopted Local Plan 2005)

3. PROPOSAL

3.1 The revised proposed application would comprised of the erection of two and half storey detached building with retail at the ground floor (141sq.m) ; one bedroom apartment (97sq.m) at first floor, one bedroom apartment at the loft level (59sq.m); in addition with the provision of four off-street car parking spaces plus cycle storage.

3.2 The access to the site will be from Clark Close via Herrington Avenue.

4. APPLICANT'S CASE

4.1 The application is accompanied by the following documents:

- Design and Access Statement
- A survey of the need of retail within the estate
- Proposed opening hours and delivery times
- Feasibility study for shop at Clark Close, Foresthall Park

4.2 Summary and conclusion of the Planning Statement:

- Option B significantly scales down footprint of the development with one bedroom apartment at first floor and one bedroom apartment at the loft level; at the ground floor level thus making space for 4 car parking spaces in addition with cycle storage.
- The proposed deliveries from the main retail supplier will be done in a rigid lorry and not long arctic vehicle, thus causing minimal disruption to traffic through residential street.
- The deliveries will be taken between 8am to 7pm three days a week – Monday-Wednesday-Friday.
- Delivery for milk will be made by Dairy Crest, 6 days a week (Monday to Saturday).
- Deliveries for the newspaper will be done by Smith News, 7 days a week. This will be done in a small transit van.
- Deliveries for bakery will be made Monday to Friday 8am to 7pm.
- The development will create employment opportunity for the local residents which will be equivalent to 3 full time persons.
- Opening hours will be Monday to Saturday from 6am till 10pm; Sunday -7am till 8am.
- From the recent survey carried out revealed there is strong demand support for a shop on the site, and the proposed development with the proposed alterations in Option B has been designed to meet this need. And Option B make it more environment friendly, and the revised scale further help in siting it better within the development, reducing its impact and making it more suitable to the scale of the neighbourhood.

5. RELEVANT SITE HISTORY

- 5.1 There is no relevant planning history relating to this site except it is part of the approved master plan for the development of former Rochford Nurseries which is now known as Forest Park Hall – plot 164. Which is the land south of Clark Close. (See page 78 of the adopted Uttlesford Local Plan 2005).

6. 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 ENV11 – Noise Generators
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN4-Good neighbouring
- Policy GEN8 – Vehicle Parking Standards
- Policy H3 – New houses within developments limits
- Policy SM4/BIR1 – Rochford Nurseries
- UDC Parking Standards
- SPD Accessible Homes and Playspace

7 PARISH COUNCIL COMMENTS

- 7.1 Stansted Parish Council is concerned about lack of parking for studio flat, otherwise no objection.
- 7.2 **Councillor = Dean** – referred this proposed planning application to Planning Committee for the following reasons:

- I am a keen supporter of the council ensuring the long-intended provision of a shop or retail unit on Forest Park Hall as envisaged in the extant Section 106 agreement is delivered.
- I have no reason to doubt the survey conducted by the local residents' association correctly demonstrated that there is public support for a shop.
- I have concerns about the suitability of the chosen site for vehicular access.
- My enquiries of Uttlesford District Council Street Services suggests that the council's bin collection team prefers to collect bins for homes in Clarke Close from neighbouring roads Walson Way or Herrington Avenue.
- When bin collections have been carried out directly from Clark Close, seemingly only after I made enquiries in February 2015 about the crew's methodology, access difficulties arose and kerbs had to be removed.
- I have been unconvinced by Essex Highway's rationale for firstly objecting to the application and then supporting the amended application.
- Their claim that the site was contained in the master plan for Forest Hall Park and that consequently they should support the application at the Clark Close location is misleading. No site was identified in the original master plan.
- The developer responsible for delivering the master plan has been uncooperative and has tried to avoid the provision of a site for a shop and has endeavoured to get out of meeting his obligation under the Section 106 Agreement.
- This application should be refused and the Forest Hall Park developer should be encouraged through negotiation to deliver a site for the shop with good access on the adjacent land originally designated for a health centre.

8 CONSULTATIONS

Highways Authority

- 8.1 The applicant has submitted revised drawings which overcome the highway authority reasons for refusal as the scale of the residential element has been reduced. Both options include cycle parking and Option B has the benefit of customer parking.
- 8.2 Taking the above into account, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the recommended planning conditions appended to this Planning Committee report.

UDC Environmental Health Officer

- 8.3 Mixed use development can have adverse noise impact on residential occupiers, including noise from deliveries and chiller units. In order to protect and safeguard the amenity of the adjoining occupiers no deliveries to the retail unit shall take place between 20:00 and 07:00. No external plant for extraction, ventilation, air-conditioning or chiller units shall be installed to the retail unit without written agreement of the planning authority. Such planning mitigation measures would be secured through planning condition. The Environmental Health Officer also advised that the acoustic specification of any plant should indicate that the noise level LAeq of the plant will not exceed the background level LA90 at a point 1m from the façade of the nearest residential premises. Such detailed would be brought to the attention of the applicant or developer through an informative.

Thames Water

- 8.4 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect

of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 8.5 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. 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 This application has been advertised and thirty one letters of objection have been received and their common grounds of objection include:

- It would spoil their visual amenity
- Generate adverse traffic
- Generate noise
- It would generate parking problems
- It would generate health and safety risk to the children in the area around the shop and pedestrians as a result of the increase in traffic.
- There is only one entry and exit road to the shop which is up Clark Close, so large, noisy, heavy vans and trucks will be using it to deliver goods, causing traffic problems for the residents on the close and surrounding area as well as damage to the road surfaces.
- It would attract young children due to sale of alcohol.
- It would generate anti-social behaviour late at night during the week and on weekends.
- It would bring down the value of properties in the area and eye sore.

- 9.2 Twenty four letters of support for the proposed application have been received and their common grounds of support includes:

- It would serve as a convenient store for the elderly citizens that cannot drive to Stansted for their daily needs.
- It would help mothers with young children for their daily needs
- It would serve the residents of Foresthall because there is no other store in the area except travelling to Stansted.
- It would stop people on the development using their cars unnecessarily to drive to get bread etc.
- It will help parents bringing children back from school
- It was part of the documents that accompanied the sales of properties in the area that there would be retail, school and health centre which enabled buyers to buy their properties
- A small independent shop will enhance the area
- The proposal will create local employment and meet local needs.

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, H3 and SM4/BIR1).
- B Design and visual impact (ULP Policies H3 and GEN2).
- C Impact on residential amenity (ULP Policies H3 and GEN2)
- D Traffic impact (ULP Policies GEN1 and GEN8)
- E Other material planning consideration

A The principle of development of the site (ULP Policies S1, H3 and SM4BIR1)

- 10.1 The application site is located within development limits for Stansted Mountfitchet as such ULP Policies S1 and H3 applies. These are permissive policies where planning permission will be granted for development that is compatible with the settlement character. Plot 164 in question is part of the approved Master Plan for over 700 dwellings, primary school and open space now implemented; in addition with designated health centre which has not being be implemented.
- 10.2 Policy SM4BIR1 relate to the land at Rochford Nurseries which is proposed for comprehensive residential and associated development for 720 dwellings, primary school, health centre, community facilities, suitable shopping and satisfactory open space and arrangements for sport and recreation. The proposed application site or plot 164 is part of the approved Master Plan for Rochford Nursery as a result the proposed element of the retail at the ground floor with residential apartments above aimed at achieving the objectives of Policy SM4/BIR1; hence in principle the proposed mixed used can be considered acceptable because it is not in conflict with Policy SM4/BIR1 considering the proposed revised application comprised of both residential accommodation and retail unit.

B Design and visual impact (ULP Policies H3 and GEN2)

- 10.3 The character of this area Clark Close is not uniform; there is a mixture of single, two storey and two half storey dwellings of differing size, scale, mass and design. The residential dwellings flanking the proposed site at the western and southern parts comprised of both two and two and half storey dwellings which the proposed site mirrored in order to ensure that the scale, mass and design approach incorporated features of the nearby dwellings by making the proposed development more sympathetic to the character of the area.
- 10.4 In design and material terms the proposed two half storey building comprising of retail at the ground floor with one apartment in both the first and loft level would be constructed with similar brick facing materials and roof slates which reflects the external materials of the nearby existing residential building and despite incorporating retail at the ground floor adequate architectural skills has been applied not to break the existing skyline of the immediate built environment and such external construction material would be secured by planning condition in order to protect and safeguard the visual amenity of the area in accordance with Policies GEN2 and H3

C Impact on residential amenity (ULP Policies GEN2, GEN4 and ENV11)

- 10.5 In order to protect the residential amenity of the adjoining occupiers, the proposal has been revised for example; the initial proposal comprised of retail unit at ground floor

approximately (158sq.m); 1 bedroom apartment of approximately (75sq.m) at the first floor and another studio apartment of approximately (50sq.m) at the loft level; in addition with only two off-street car parking with no cycle storage; such proposal was considered to be viable by applicant. As a result of inadequate off-street car parking the Highways Authority objected to the initial proposed scheme. And the initial proposal also generated letters of objection due to traffic generation and insufficient of car parking and noise that would be associated with the proposed development.

- 10.6 Applicant was persuaded to review the proposed by revising the proposed scheme and providing proposed two options for Council's consideration namely; the first revised option "A" comprised of (158sq.m) of retail unit at ground floor level; 1 bedroom apartment of (75sq.m) at first floor; studio apartment of (50sq.m) at the loft level; two off-street car parking spaces and cycle storage.
- 10.7 Option "B" comprised of (141 sqm) of retail floor space at the ground level; with four off-street car parking spaces and cycle storage. The first floor would comprised of (97sq.m) of one bed apartment in addition with (59sq.m) of 1 bed apartment at the loft level. The reduction of the retail floor space at ground floor level enabled the applicant enabled to applicant reconfigure the architectural design of the revised option B in order to address the objection and issues raised by both the Highway Authority and other letters of objection received.
- 10.8 Having considered both options A and B respectively on balance it can be demonstrated that option B is considered acceptable as it would enable the missed development to address the concerns and issues raised by both Highways Authority and other local residents relating to inadequate off-street car parking and traffic generation.
- 10.9 The issue relating to the proposal attracting heavy lorry vehicles has been considered by the applicant and the following information has been provided for example; it is proposed that deliveries from the main retail supplier will be done in a rigid lorry and not the long arctic vehicle, thus causing minimal disruption to traffic through the residential streets. Applicant suggested deliveries will be taken between 8am to 7pm three days a week namely; Monday, Wednesday and Friday. The applicant advised that the retail partner has confirmed they will be happy to follow "preferred" entry and exit routes suggested by the planning authority in order to protect and safeguard the amenity of the adjoining occupiers. The applicant confirmed the delivery for milk will be made by Dairy Crest, 6 days a week (Monday to Saturday). This will be done in electric vans. Dairy Crest already delivers milk in the estate to the residents, and the same van will deliver to the shop, hence this is expected to not create any additional traffic to the proposed development. The delivery for newspaper will be done by Smith News, 7 days a week. This will be done in a small transit van. The duration of the delivery to the shop will not be more than 5 minutes.
- 10.10 The site will be monitored by CCTV and will be part of red care security system by ADT to keep proper checks and control. The opening hours as proposed by the applicant include Monday to Saturday will be 6am till 10pm; and on Sunday from 7am till 8pm. In order to minimise the likely impact of the proposal on the amenity of the adjoining occupiers the Environmental Health Officer advised no deliveries to the retail unit shall take place between the hours of 20:00 and 07.00; such hours are considered acceptable as the main retail deliveries falls within such period. Although, the deliveries of milk and newspapers which are outside these hours can be considered acceptable because the deliveries of milk and newspapers as indicated above would have a minimum impact on the amenity of the adjoining occupiers. No external plant for extraction, ventilation, and air conditioning or chiller units shall be installed to the retail

unit without written agreement of the planning authority. This is welcome and such mitigation measures would be secured through planning conditions; hence the proposal on balance would not adversely harm the living conditions of the adjoining occupiers.

D Traffic impact including access and parking issues (ULP Policies GEN1 and GEN8)

10.11 Access to the site would be via Clark Close. Highways Authority did not raise objection to revised Options A and B because they overcome the highway authority reasons for refusal as the scale of the residential element has been reduced. Both options include cycle parking and Option B has the benefit of customer parking.

10.12 The revised application includes four off-street car parking spaces and two of them are designated for the two residential flats above the retail shop; one for customer and one for staff of the shop. In addition, there is secured cycle storage for customers. Given that many of the local residents would choose to walk to the local shop due to its proximity to nearby residential dwellings; the proposed cycle storage would enable the mixed development to comply with the principle of controlling climate change and make the mixed development to be environmentally friendly as it would not generate more private car fumes to the immediate built environment.

10.13 In design and traffic terms, Option B has been considered acceptable as it would assist in overcoming the planning issues raised by the proposed development to the level that it can be demonstrated to be acceptable subject to the implementation of the recommended planning conditions from the Highways Authority and other internal consultees such as the Environmental Health Officer's recommendation on issues relating to noise, traffic movement and opening hours which are considered acceptable because it would assist in safeguarding the amenity of the nearby adjoining occupiers.

E Other material planning consideration

10.14 A survey was conducted by Acme Holding Limited, and questionnaires were distributed in and around the estate to understand if the local residents were in support or objecting to the proposals for the shop on the site. A total of 600 questionnaires were sent out of which 134 (22%) responses were received. Out of the 134 replies, 120 (90% of responders) were in support of a shop in the development, only 13 responders didn't want a shop in the development, and 1 was undecided. This clearly demonstrated a strong support for the shop. Out of the 134 replies, 109 (81% of the supporters for the shop) were in support of the proposed development and 5 (4%) were undecided.

10.15 It was always intended that the shop would be located in a central position following the approved master plan for the development of former Rochford Nurseries, currently now known as Foresthall Park; because it would be seen as a reasonable convenient shop to the large open square and school nearby. The only other place it could possibly go would be the vacant health centre land (subject to negotiation).

10.16 The issues relating to car parking are considered to be relatively limited and it is part of the planning regime as advised by the government to make it easier for people to walk to local services or in this case a local shop. It is therefore perfectly possible to walk to the proposed shop from any part of Foresthall Park.

10.17 There may be some disruption from deliveries to the shop hence the delivery hours have been a condition. It is important to note there are 700 dwellings within this estate, and one might ask how many deliveries each week will there be of goods that residents have ordered online such as through Tesco, Ocado, Asda, Argos etc which are likely

to come in similar medium –sized lorries and it can be guarantee that drivers will try to get as close to the customers' houses as is possible when compared to walking to the proposed local shop. On balance, the benefit of the proposed revised mixed use development is considered acceptable because it is not in conflict with the core principle in paragraph 17 of the National Policy Framework which is to make fullest use of public transport, walking and cycling. For that reason the location of the shop would be accessible to all those residents at Forest Hall Park.

10.18 The applicant advised this development will create employment opportunity for the local residents which will be equivalent to 3 full time persons; it can be concluded that the proposal is not in conflict of the core principle of sustainable development covering the issues such as economic role such as the benefit of local job; social role which is seen as the delivery of two self-contained flats and environmental role by encouraging the use of walking and less dependent on private cars to reach the local shop thereby minimising the emission of car pollution to the local environment.

11 CONCLUSION

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

- A The principle of the revised planning application comprising of retail and residential demonstrated it would not be in conflict with the mixed use development of the approved master plan for the former Rochford Nurseries currently now known as Foresthall Park Road because the revised application would provide a mixed and balanced community; it assisted the master plan to provide the implemented nearby primary school and the revised scheme has been designed to mitigate the adverse effects on existing nearby adjoining occupiers.
- B The scale, mass, layout, form, design, appearance and materials for the proposed revised scheme are considered acceptable and sympathetic to the character of the area.
- C In order to protect and safeguard the amenity of the adjoining occupiers in terms of traffic generation, parking problems and noise the revised scheme included off-street car parking spaces, cycle storage and conditions for the delivery time and opening hours. And the design approach taken ensured the elevation details would not harm the visual amenity of the area or lead to overlooking or overbearing.
- D The proposed mixed development would provide mixed of balance community and local shop that would be easily accessible by walking by the residents of Foresthall Park which is not considered to in conflict of the original approved master plan for the area.

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. Before development commences samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be

implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

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

3. No deliveries to the retail unit shall take place between 20:00 and 07:00

REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policies GEN2 and ENV11 of the adopted Local Plan (2005).

4. No external plant for extraction, ventilation, air-conditioning or chiller units shall be installed to the retail unit without written agreement of the planning authority.

REASON: In order to protect the amenity of the adjoining occupiers in accordance with Policies GEN2 and ENV11 of the adopted Local Plan (2005).

5. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Policy GEN1 of the adopted Local Plan (2005).

6. 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 adopted Local Plan (2005).

7. No occupation/use of the development hereby permitted shall take place until secure and covered cycle parking on site has been provided in accordance with the standards set out in "Parking Standards - Design and Good Practice, September 2009" published by Essex County Council. Such provision shall be undertaken in accordance with details first submitted to and approved in writing by the local planning authority, and in a form agreed in conjunction with the highway authority.

REASON: In the interests of accessibility in order to protect and safeguard the amenity of the area in accordance with Policy GEN1 of the adopted Local Plan (2005).

8. Construction of the development hereby permitted shall not commence until a scheme of brick walls and close-boarded fences at least 1.8m high has been submitted to and approved by the local planning authority in writing. The heights of these walls and fences shall be measured from whichever side the ground level is higher. Such walls and fences shall be erected in accordance with the approved scheme before any dwelling [building] [extension] is first occupied.

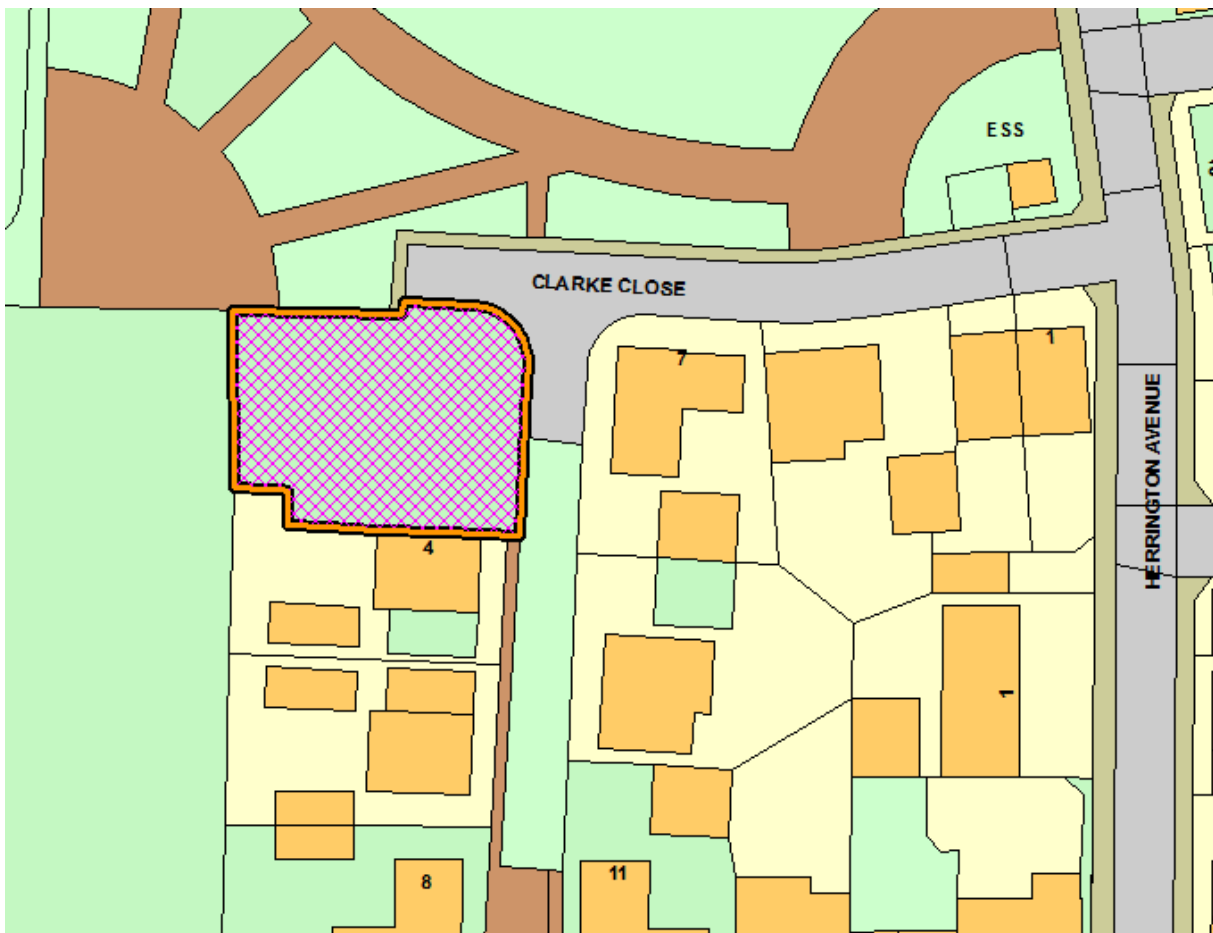
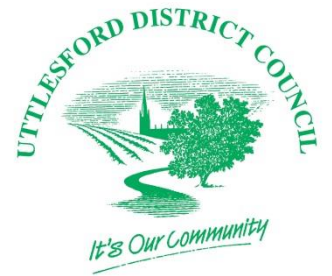
REASON: To protect the amenities of neighbours in accordance with Policy GEN2 of the adopted Local Plan (2005).

Informative

1. The acoustic specification of any plant should indicate that the noise level LAeq of the plant will not exceed the background level LA90 at a point 1m from the façade of the nearest residential premises.

Application no.: UTT/15/0145/FUL

Address: Land South of Clark Close Stansted



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationary Office© Crown Copyright 2000. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

Organisation: Uttlesford District Council

Department: Planning

Date: 16 April 2015

SLA Number: 100018688