

UTT/15/1666/FUL - STANSTED

(MAJOR APPLICATION)

PROPOSAL: **Mixed use development comprising 10 No. dwellings, ground floor retail unit with independent first floor office and 3 storey commercial building including associated garages, car parking and landscaping**

LOCATION: **14 Cambridge Road, Stansted**

APPLICANT: **Developments & London and Stansted Furnishing Co**

AGENT: **Landmark Town Planning Group**

EXPIRY DATE: **7 September 2015**

CASE OFFICER: **Maria Shoemith**

1. NOTATION

1.1 Within Development Limits, Part protected Retail Frontage/Town Centre Policy SM1, adjacent to Grade II listed buildings

2. DESCRIPTION OF SITE

2.1 The site is predominantly set back off Cambridge Road to the rear of properties no. 12-30 (even). The site previously comprised a single storey shop located to the front of the site on Cambridge Road (no.14), and to the rear/centre of the application site there were a number of two-storey and single storey units (total of 8 units), of which these have since been demolished due to their poor state of repair.

2.2 The site covers a total area of approximately 0.43 hectares.

2.3 There is a 1.5m high close boarded fence to the rear of the site adjacent to the Crafton Green Car Park. There are high level conifers along the shared eastern boundary. There are also close boarded fences along the northwest, north and northeast, with slightly lower fencing along the northeast boundary, which relate to two-storey houses fronting Clarence Road.

2.4 Fronting Cambridge, there is a Tesco's store, a back clinic and Co-operative food store that back onto the application site, north of the entrance into the application site. Further along there are a row of semi-detached single family dwellings. Half of this row of houses is Grade II Listed.

2.5 South of the site entrance the Listed former Barclays Bank building is currently in the process of changing use to a Sainsbury's under permitted development rights.

2.6 To the south of the application is the Crafton Green Car Park also consists of the local clinic and library. Also there is Geneva Motors to adjacent to the Car Park partly fronting Cambridge Road.

2.7 The site's access is taken from Cambridge Road.

3. PROPOSAL

- 3.1 The application is for the proposed erection of a mixed use development comprising 10 No. dwellings, ground floor retail unit with independent first floor office and 2.5 storey commercial building including associated garages, car parking and landscaping.
- 3.2 The proposed scheme is for a two-storey building fronting the Cambridge Road. This would have a height of 9m and having a pitched roof and a traditional design form. This would have a retail shop frontage, but it is proposed to be used for Class A2 professional and financial services, on the ground floor accessed from both Cambridge Road and the new entrance into the site. The first floor is proposed to be for Class B1 Office space. It is proposed that there would be a dual principle frontage by having windows and shop front accessed from both the mews entrance and Cambridge Road. The south flank elevation of this building would have three windows which would serve toilets and a landing window. The proposed commercial unit 1 would create a gross external floorspace area of 224.3sqm
- 3.3 A second commercial unit for Class B1 purposes is proposed as part of the scheme of which would be located adjacent to the southern boundary shared with Geneva Motors adjacent to the approved car repair facility UTT/13/1456/FUL. This unit would comprise of three floors, providing a floorspace of 614sqm (GEA) and would have a total height of 10.7m. This building is capable of being used by either a single user or subdivided up to 6 units. There is a possibility for these units to be used a business start-up units.
- 3.4 It is proposed that this building would have a traditional form in a 'maltings style' appearance.
- 3.5 A total of 16 car parking spaces have been provided for the commercial units, including a visitors parking space. The commercial parking is proposed in clusters between the two commercial units, to the east of commercial unit 2 and to the north of the commercial units which forms the rear boundary of Tescos and the Co-Operative.
- 3.6 As part of the application it is proposed that there would be a pedestrian access which would be located between commercial unit 2 and Plot 10. This would create a link between the application site and the adjacent Crafton Green Car Park. This would create a more direct link from Cambridge Road and the car park and library.
- 3.7 The application also consists of 10 residential dwellings. Plots 6, 8, and 9 are proposed to have open ended garages which would perform like an under croft which would allow an additional parking space to be utilised at the rear of the property. The dwellings have been designed to Lifetime Homes Standards.
- 3.8 The proposed heights of the dwellings would vary between 8.5m – 9.8m.
- 3.9 The proposed residential units would breakdown to the following;

Dwelling unit Number	Number of Bedrooms	Number of Parking Spaces	Garden Amenity Size
1	3	2	102
2	3	2	106
3	3	2	123
4	3	2	121
5	3	2	103

6	2	2	165
7	3	2	104
8	2	2	165
9	2	2	137
10	3	2	106
	Total Visitors Parking	2	

4. APPLICANT'S CASE

- 4.1 The main aim and objective of the proposed development is to have a positive impact on the village of Stansted Mountfitchet by bringing forward a high quality mix-use development on a currently vacant brownfield site.
- 4.2 The starting point here is the refusal Uttlesford District Council to grant planning permission under reference UTT/13/1126/FUL on the 29th August 2013. This decision was upheld on Appeal by an Inspector appointed by the Secretary of State for Communities and Local Government.
- 4.3 The scheme as submitted is a response to the issues identified and the criticisms made by the Inspector in his Decision of 21st October 2014. He did not disagree that a mixed commercial /residential scheme was appropriate in principle but he found weaknesses in the detail. To highlight the differences between the former layout and content and what is now proposed is a reduced residential context, there is now adequate parking for the commercial element and careful regard to the immediate context.
- 4.4 The proposal seeks to redevelop a vacant commercial site to provide new mews style housing and commercial units with a link footpath to the council owned land and car park which lies to the immediate south. The site is approximately 4300sqm in area and was occupied with commercial premises (recently demolished).
- 4.5 The proposals will include the erection of 7 x 3 bedroom dwellings, 3 x 2 bedroom dwellings. The proposals incorporate a mixture of detached, terraced and parking linked to the dwellings. The residential units are solely market dwellings and will include the provision of private amenity areas for each individual dwelling. Each dwelling has been allocated a spacious floor area.
- 4.6 There will be a commercial unit which will incorporate a retail ground floor (A1 and A2 use class) and a separately accessible office (B1 Use class) at first floor level. Another commercial unit (B1 use) will begin the north residential mews terrace.
- 4.7 A highways and transportation statement has been prepared by SLR in support of the application.
- 4.8 The scheme as submitted has used the appeal decision issued under reference APP/C1570/A/13/2208075 as the basis for its design, layout and fundamentally as a Check list to ensure that the concerns raised by the Independent Inspector Mr Preston on behalf of the Secretary of State have been dealt with in fully.
- 4.9 In addition the scheme is not only compliant with National Planning Policy but indeed Local Planning Policies which have been adopted by Uttlesford District Council, both established and emerging. It is therefore hoped that upon consideration by the Local Planning Authority that Members of the Planning Committee will take on board all the material considerations in this matter and will Grant Planning Permission for the

Scheme as submitted.

5. RELEVANT SITE HISTORY

- 5.1 Member's will remember this scheme being presented at the Planning Committee 30 May 2012 under UTT/0215/12/FUL. The scheme under the previously involved the following:
- i) The demolition of 8no. existing employment buildings and the erection of 14no. residential dwellings.
 - ii) Mixture of detached and semi-detached two-storey properties with associated garage provision.
 - iii) The erection of a new retail unit with office space over, two-storeys fronting Cambridge Road.
 - iv) Associated car parking for both the residential and commercial unit and landscaping.
 - v) 6 x 3 bedroom units, 4x 4 bedroom units and 4 x 5 bedroom units.
 - vi) Plot 6 is proposed to be a designated wheelchair unit, capable of being wheel chair adaptable.
 - vii) A 5 bar timber gate is proposed along the front access of the site, setback from the main road.
- 5.2 The above application was refused on the grounds of "The proposed development would be unsuitable on land which could otherwise be used for employment purposes. The proposed scheme would lead to an overdevelopment of the site contrary to the general character of the area. The proposed is therefore contrary to Policies GEN2, GEN4 and E4 of the Uttlesford Local Plan 2005."
- 5.3 A revised application had been submitted (UTT/1193/12/FUL) "for the Demolition of existing buildings and erection of 14 no. dwellings, retail and office unit, and associated garages, car parking, landscaping and footpath" incorporating the following;
- i) Removal the proposed access gates;
 - ii) Introduction of an access path between adjacent Car Park and the site;
 - iii) The transport statement has been updated no changes in terms of vehicle numbers;
 - iv) Further information has been submitted with regard to the existing tenant arrangements on site and an update has been provided in relation to the available commercial premises in the locality and the condition of the buildings on site.
- 5.4 Planning permission was refused 26 July 2012 by Planning Committee on the grounds "The proposed development would be unsuitable on land which could otherwise be used for employment purposes. The proposed scheme would lead to an overdevelopment of the site contrary to the general character of the area. The proposed is therefore contrary to Policies GEN2, GEN4 and E2 of the Uttlesford Local Plan 2005."
- 5.5 An application has been received for prior approval for demolition consent for various buildings on site (UTT/12/6142/DEM) no objection was raised 18/1/13. Since this time the buildings that were on site have been demolished and the site cleared.
- 5.6 A further application was submitted on the subject site UTT/13/1126/FUL for the "erection of a mixed use development comprising 14 No. dwellings, ground floor retail unit with independent first floor office and 2.5 storey commercial building including associated garages, car parking and landscaping".
- 5.7 Planning permission was refused 29th August 2013 by Planning Committee on the

grounds “The proposed scheme would lead to an overdevelopment of the site contrary to the general character of the area. This is specifically manifested through the provision of undersized gardens, a failure to provide homes which meet Lifetime Homes Standards and a lack of onsite vehicle parking. The proposed is therefore contrary to Policies GEN2, and GEN8 of the Uttlesford Local Plan (adopted 2005), SPD Accessible Homes and Playspace (adopted November 2005) and the Essex Design Guide (adopted 2005).”

- 5.8 The decision was appealed to the Planning Inspectorate of which was refused for the following reasons;

“I conclude that the proposal would result in an unsatisfactory residential environment and poor living conditions for residents of units R1 and R11-14 due to the size and configuration of their gardens and the resultant proximity to adjacent commercial uses. The highway layout and lack of car parking provision would also represent a poorly planned environment in which parked cars would dominate, to the detriment of the character and appearance of the area.

Paragraph 49 of the Framework states that housing applications should be considered in the presumption of sustainable development. The definition of sustainable development at paragraph 7 of the Framework is based upon a three-stranded approach; economic, social and environmental. It may be that a scheme cannot contribute equally to all three elements and a rounded view has to be taken where the contribution may be only small or neutral for one of the roles.

There would be clear economic benefits to the proposal, resulting from the redevelopment of the site, the creation of employment opportunities and an increase in the local population to support shops and services. Given the scale of the proposal, I consider that this would be of moderate benefit to the local economy. The Council does not dispute that the site is situated within a sustainable location. It would regenerate a previously developed site and offer a choice of sustainable transport modes, thereby assisting in the move to a low carbon economy. In this sense, although there is little evidence of any significant environmental gain resulting from the proposal the nature and location of the site would minimise any harmful effects.

In social terms, for the reasons set out, the proposal would contribute to the local supply of housing but would fail to provide a high quality built environment and result in living conditions that would not be conducive to the well-being of prospective occupants. Good design and the provision of good living conditions for residents are core principles of the planning system, as identified at paragraph 17 of the Framework. In my view, the significant harm in these respects would outweigh the economic and environmental benefits of the proposal. In particular, the benefits put forward would not outweigh the need to provide a good standard of amenity for future residents, this being a fundamental aim of the planning system. As such, based upon a balance of the three elements, I am of the view that the proposal would not represent a sustainable form of development.

It therefore follows that the presumption in favour of sustainable development at paragraphs 14 and 49 of the Framework should not apply to the proposal. With regard to paragraph 14 the Council has adequately demonstrated that it has a five-year supply of deliverable sites and the policies referred to within the

decision notice are up-to-date. However, in any event, I have identified significant harm in terms of the living conditions of future residents and to the character and appearance of the area. Given the fundamental nature of these concerns, any benefits of granting planning permission would be significantly and demonstrably outweighed by the harm identified.

In view of the above, and taking all other matters into account, I conclude that the appeal should be dismissed.”

5.9 Since the submission of UTT/13/1126/FUL application a planning application has been submitted on the adjacent neighbouring site (10 Cambridge Road, 12 June 2013) for the ‘Proposed extension to existing showroom to create a tyre, exhaust and repair facility and the additional showroom with office over’ (UTT/13/1456/FUL). This was determined at the same Planning Committee and was granted planning permission.

5.10 Planning permission was granted for the Stansted Library for the proposed “Demolition of existing library and erection of multi-purpose community building with associated staff parking, landscaping, cycle parking, signage/seating and refuse and recycling facilities. Provision of temporary library facilities for the duration of the building works”. (UTT/13/2027/FUL). Granted 21 November 2013.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- S1 – Development Limits for the Main Urban Areas
- SM1 – Local Centres
- E1 - Distribution of Employment Land
- E2 – Safeguarding Employment Land
- RS1 - Access to Retailing and Services
- RS2– Town and Local Centres
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN4 – Good Neighbourliness
- GEN6 - Infrastructure Provision to Support Development
- GEN7 - Nature Conservation
- GEN8 – Vehicle Parking Standards
- ENV2 - Development Affecting Listed Buildings
- ENV3 - Open Spaces and Trees
- ENV12 –Protection of Water Resources
- ENV14 – Contaminated Land
- ENV15- Renewable Energy
- H1 - Housing Development
- H3 - New Houses within Development Limits
- H4 - Backland Development
- H10 - Housing Mix

6.3 Stansted Mountfitchet Community Plan (2011)

The document identified that Stansted has enlarged over the years and states that any

further attempts to significantly enlarge Stansted would be resisted. The Plan identifies that the Uttlesford District Council's Strategic Housing and Land Availability Assessment (SHLAA) identifies a number of sites that could potentially bring forward housing schemes one of those sites identified is the subject application site and it is stated that the Parish Council agrees with this site (page 13 of Community Plan).

6.4 Urban Design Assessment of Development Opportunity Sites (Place Services - Essex County Council) (January 2012, presented to the LDF Working Group 8 February 2013)

6.4.1 Work has been undertaken by ECC Urban Design in terms of appraising the application in conjunction with the wider adjacent sites (rear of Cambridge Road, Chapel Hill and Crafton Green). These have been seen as an area of development opportunity. The document has concluded the following:

6.4.2 "Through the process of viability testing, context analysis and urban design appraisal, the future development potential of the site has been explored and development principles established.

6.4.3 This document sets out the principles for the future development of the site, ensuring that any development fits into the surrounding context, while providing the town with a suitable mix of uses which meets the needs and the requirements for the future growth of Stansted Mountfitchet.

6.4.4 Following summary set outs the key development principles future proposals will need to address:

- A comprehensive development of the site would be the only way to ensure a mix of development uses which would benefit and enhance the future of Stansted Mountfitchet.
- Future development proposals need to be suitably phased, taking a regard for land ownership, development mix and viability
- Connecting Cambridge Road with Crafton Green possibly as a one way or part one way route
- Sustaining the current levels of public car parking while exploring more convenient locations for accessing Cambridge Road and the businesses, retail and community facilities on site
- Creating a convenient, safe and direct pedestrian route to the retail units on Cambridge Road
- Suitable residential development which reflects the immediate context of the site to be located adjacent to the surrounding areas with adequate parking
- Establish additional retail/commercial units to the rear of the existing units fronting Cambridge Road
- Improvements to servicing/delivery arrangements to existing food retailers on Cambridge Road to alleviate congestion

6.5 Assessment of Development Opportunity Sites (Study undertaken by Carter Jonas on behalf of UDC November 2012, presented to LDF Working Group 22 November 2012)

6.6.1 This study looked at the same site as the study above, Urban Design Assessment of Development Opportunity Sites, and focuses upon the financial viability of the site. The study made reference to the subject site of this application and referred to the two previous planning applications. The report by Carter Jonas stated "*The Officer's report (for UTT/1193/12/FUL) highlights the occupancy difficulties in the properties in*

the vicinity which have a high vacancy rate supported by a report from Mullucks Wells. The opening of the Tesco's Express has probably increased visitors to Cambridge Road but also exacerbated the traffic issues on Cambridge Road from short term parking on the public highway. The public car park at the rear is probably not deemed 'convenient' for very brief visits and there is no direct access through to Cambridge Road, though the proposed development would have provided links from the existing car park at the rear. Rental levels and demand in Stansted would not support speculative development either for retail or office use so that the prospects of the provision of new retail development on Cambridge Road is therefore only likely as part of a larger scheme, probably including some residential to improve viability.

- 6.6.2 ***The site would be capable of development for B1 commercial space but demand would tend to be for industrial end of the spectrum with single storey units with an office element. Such a development would seem inappropriate for this central location and more appropriate to an 'out of town' location where the traffic movements from commercial vehicles would be less intrusive.***
- 6.6.3 *An allocation for town centre uses across the whole site is unlikely to find developers interested in resolving any ownership issues and promoting any scheme for the site. This could leave the northern part of the site derelict whilst the southern part of the site would continue with its existing uses. In time there will be occupiers looking for space in the centre and it is important for the future of Stansted that space for them is retained but this would not require a site of this size.*
- 6.6.4 *However, the allocation does provide an opportunity for the preparation of a comprehensive plan for the redevelopment of the site which can properly address the needs of the village as a whole providing new retail units on Cambridge Road with proper links to adequate car parking, space for new town centre related development **and could also include some residential development on part of the site which would support some of the less commercially viable town centre uses.** Any such proposals would also need to consider the existing community services on the site and how these are to be maintained. We would recommend that the site be extended to include the vacant former 'You're Furnished' unit which was part of the recent planning application. This could provide an entrance into the new development and improve traffic flows on Cambridge Road and is shown shaded yellow on the Council's allocation plan attached.*
- 6.6.5 ***Speculative development on the site is unlikely*** and development will only occur in response to an identified need. ***A comprehensive scheme would be viable if it includes an element of residential and could create new retail units on Cambridge Road, improved access to relieve congestion on Cambridge Road and identify sites ready for other town centre uses when the occupiers are identified.***
- 6.6.6 *The allocation of this site should provide an opportunity for this important part of the Village to be considered as a whole. Development may well include some residential use but piecemeal development is unlikely to secure the benefits that this part of the Village urgently requires."*

7. PARISH COUNCIL COMMENTS

- 7.1 The National Planning Policy Framework states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2 The development plan effectively comprises the Uttlesford Local Plan in this instance. There are four material considerations, these being:-

1. The National Planning Policy Framework (i.e. the Framework);
2. ECC's Development Management Policies document;
3. UDC's Developer Contributions Guidance Document; and
4. The Stansted Mountfitchet Community Plan.

Extent to which the proposal is in accordance with the development plan

7.3 Significant weight should be given to the relevant policies in the existing local plan because of their high degree of consistency with the policies in the Framework.

7.4 The proposed development is in accordance with the following policies:-

- Policy S1 – 'Development limits for the Main Urban Areas';
- Policy RS2 – 'Town and Local Centres';
- Policy SM1 – 'Local Centres'; and
- Policy H3 – 'New Houses within Development Limits' and is therefore acceptable in principle.

7.5 However, the detailed design of the scheme is such that it is contrary to Policy GEN1 – 'Access' on the basis that:-

- The vehicular access to and egress from the main road network is not capable of carrying the traffic generated by the development safely; and
- The design of the proposed development compromises road safety for the reason set out in (i) above.

7.6 The reason for this is because of the location of the vehicular egress (on the northern side of the access to Cambridge Road) together with the presence of a bus stop to the immediate left of this point (in front of what would be the proposed retail outlet) and a loading bay to the immediate right. The loading bay serves both the Tesco Express store immediately adjacent to the right and the Co-op store 13m further up the road on the right.

7.7 That situation is such that, if there is a bus at the bus stop or a lorry in the loading bay, a driver's sight would be seriously impeded when leaving the site. The fact that the proposed development would result in a safety hazard is acknowledged in the case officer's report relating to a previous proposal for the site. That report stated "With regards to commercial delivery option (Co-op & Tescos) considerable time has been spent discussing the issue with Highways and could not find a safe solution with regards to entry and egress from the site.....". That is presumed to imply that:-

1. The vehicular entry to and egress from the site has been identified as unsafe;
2. A safe solution to that problem was sought in discussion with ECC Highways;
3. A safe solution to that problem was not found; but
4. The application was recommended for approval in any event.

7.8 Despite this, Essex County Council commented that the current application ".....is acceptable to the Highway Authority" subject to a series of planning conditions which ".....are required to ensure that the development accords with the Highway Authority's Development Management Policies.....". But those conditions relate only to matters which are applicable within the curtilage of the site. They do not relate to highway concerns which could reasonably be expected to arise off-site as a direct consequence of the implementation of the development as outlined above.

- 7.9 The ECC Development Management Policies document states:-
 “These policies reflect the balance between the need forprotecting the transport network for the safe movement of people and goods and have the following aims:
 • Protect and maintain a safe highway infrastructure.....”
 Given the circumstances relating to this application, it would appear that the policies were intended to prevent just such a situation as would result from this proposal.
- 7.10 Consideration of ECC’s Development Management Policies suggests that that there is ample scope for it to have:-
- 1) Identified and acknowledged that the proposed development would be likely to result in a reduced level of safety, and a potential hazard, to both drivers exiting the proposed development site and road users on Cambridge Road;
 - 2) Identified potential mitigation measures, if that is possible; and
 - 3) Either a) sought the implementation of any such mitigation measures through the grant of planning permission and/or a legal agreement; or, if there are no adequate mitigation measures or there are but they could not be implemented, b) recommended that planning permission be refused accordingly.
- 7.11 The proposal is also contrary to Policy GEN2 – ‘Design’ because it does not provide an environment which meets the reasonable needs of all potential users in that:-
- Vehicular egress from the site is unsafe if a lorry and/or bus is parked in the allotted bays on either side of the vehicular entrance to/egress from the site;
 - There is no provision for children’s playspace on the site;
 - There is no provision of amenity greenspace on the site; and
 - There is no evidence of compliance with the council’s requirements with regard to the provision of ‘lifetime homes’ and wheelchair-accessible housing.

Material Considerations

- 7.12 Assessment of the scheme against the policies in the Framework reveals that:-
1. The principle of the development of the site for the uses proposed is acceptable; but that
 2. The resulting potential traffic hazard – which has not even been acknowledged let alone any attempt made to find an acceptable solution – is such that, unless this is done satisfactorily, planning permission should be refused.
- 7.13 UDC has adopted ECC’s Development Management Policies, referred to above, as council approved planning guidance. Given that, UDC must be in a position to be able to apply them in the determination of planning applications accordingly.
- 7.14 The scheme does not comply with UDC’s Developer Contributions Guidance Document in that it provides neither children’s play equipment nor any amenity greenspace.
- 7.15 The Stansted Mountfitchet Community Plan identifies a series of actions from which it is apparent from the above that the principle of the proposed development is acceptable subject to adequate and appropriate open space being provided and the potential impact upon both traffic flow and traffic safety on Cambridge Road being satisfactorily addressed.

Recommendation

- 7.16 Whilst the proposed development is acceptable in principle, the potentially dangerous vehicular egress is such that, unless this matter can be satisfactorily

overcome, it should be refused planning permission because it is contrary to both local plan policies GEN1 – ‘Access ’ and GEN2 – ‘Design’ and contrary to ECC’s Development Management Policies. The Parish Council is recommended to advise Uttlesford District Council accordingly.

7.17 Additional comments relating to revisions:

- We have no objection to the revision to the three dwellings and associated car parking spaces.
- However, the number of car parking spaces for the commercial units still fails to meet the requirements and is made worse by the fact that two more spaces have a tandem layout which we believe makes the situation worse rather than better.

8. CONSULTATIONS

Thames Water

- 8.1 No objection on the basis that surface water will be fully disposed to sustainable drainage system, as stated in the submitted application form (dated 27.05.2015). It is requested that details of the foul drainage primarily the onsite drainage layout and connection point to the existing network are submitted. With regards to sewerage infrastructure capacity no objection is raised.

NHS

- 8.2 No objection. The number of dwellings falls below our criteria we would not be able to seek a developer contribution.

Environment Agency

- 8.3 No objection to proposal. However have comments more or less the same as application UTT/13/1126/FUL. Following review of the Phase 1 Environmental Site Assessment Report prepared by, dated March 2015, application should be approved subject to conditions.
Recommend that the sewerage undertaker is consulted to ensure that there is sufficient capacity within the main sewer network and the receiving wastewater treatment works.

ECC Ecology

- 8.4 No objections, proposals is supported by an Ecology Report (SLR Consulting, April 2015). The report identifies the site to contain a limited number of habitats comprising common and widespread flora. The potential for protected species is limited to nesting birds by virtue of the limited habitat diversity and enclosure by residential housing. The report recommends a Construction Environmental Management Plan (CEMP) and this should be conditioned.

ECC Highways

- 8.5 From a highway and transportation perspective the impact of the proposal as shown in principle on Drawing No. BRD/15/022/002 is acceptable to the Highway Authority subject to conditions (letter dated 17 June 2015).
- 8.6 Additional representations in light of comments from Rowland Bilisland Traffic Planning and Barker Parry Town Planning;

- 8.7 The following is a statement providing more detail in support of the highway authority recommendation of approval for mixed use development on the above site.
- 8.8 The site has an existing use and an existing access and the supporting documentation provides a comparison between the former use and the likely traffic generation and the proposed mixed use with the likely traffic generation. It should be pointed out that the size of the proposed development is well below the threshold for a Transport Statement but one has been provided nonetheless. The Transport Statement provides a robust assessment of the likely trip generation and the highway authority agrees with the conclusion that the proposed mixed use would result in a reduction in vehicle trips compared with what could be generated from the existing use.
- 8.9 Stansted Parish Council has raised concerns over the safety of the access in relation to delivery vehicles parked in the loading bay adjacent to the access. Two officers have met representatives from the Parish Council on site to listen to their concerns and it was pointed out to them that Cambridge Road is a typical High Street with many competing activities. There are several vehicle accesses to different businesses on both sides of Cambridge Road and parking provision which is also on both sides of the road to accommodate shoppers and deliveries. I would also like to draw your attention to paragraph 32 of the recent Inspector's Decision on the site where he accepts the findings of the Transport Statement and the highway authority for the previous application UTT/13/11226/FUL and is '*satisfied that the impact of the proposal on matters of highway safety would be acceptable.*' The current proposal is a further reduction on the previous scheme therefore resulting in potentially fewer vehicle trips.

UDC Environmental Health Noise

- 8.10 The site is adjacent to Geneva Motors, which has permission for a tyre, exhaust and repair facility (UTT/13/1456/FUL). This would be located behind the proposed commercial building on the application site. It would only operate during the daytime, and the permission carries a condition requiring submission of a noise insulation scheme. For these reasons I do not raise any objection on the basis of environmental noise.

Contaminated land

- 8.11 The submitted Phase 1 Environmental Site Assessment indicates potential sources of contamination and pollutant pathways on site, which could affect the health of end users of the site. Further investigation, in addition to the submitted report, and appropriate remediation are required.
- 8.12 The Environment Agency should be consulted regarding the risk to groundwater.

Access and Equalities Officer

- 8.13 Plots 1 and 2 show no lift space identified for the through floor lift provision. Nothing is shown on Plots 4 and 5 either. Plot 3, there is no indication of where the door will be to access the living room space. With regard to Plots 6 and 9, there is a need to identify how the glazing height will be addressed as per item 15 in the SPD on Accessible Homes and Playspace, glazing heights. 'People should be able to see out of the window whilst seated. Wheelchair users should be able to operate at least one window in each room'. This is not clear from the drawings submitted; the dining room window and the living room window glazing heights need to be identified.
- 8.14 Perhaps if the application is approved, this could be done by condition, with regard to an accessibility drawing being provided prior to commencement on site for the relevant plots.

9. REPRESENTATIONS

9.1 The neighbouring properties have been consulted of the application. The scheme has been advertised on site and within the local press (Expiry date 1/09/2015). Following the consultation process 23 individual letters of objections and 3 letter of support have been received. These have raised the following points;

Objection on the following grounds;

- Should be refused on the same grounds as before;
- Congestion/(commercial) traffic;
- Construction congestion;
- No to little enforcement of parking;
- Heights of the proposed development;
- Density;
- Parking;
- Highway and pedestrian safety;
- Lorries unload for the supermarkets soon to expand to 3 stores. The bus stop is close by and new fish and chip shop has worsened the traffic situation.
- New vehicle exit at this point is entirely inappropriate.
- Unacceptable pressure on already at-capacity health and school facilities in Stansted (including recent GP reduction);
- Lack of adequate parking provision;
- The Councils 5 year housing land supply has already been fulfilled, so there are no grounds for local plan policies being overridden by NPPF rules about sustainable development taking precedence;
- Development is not sustainable because it will undermine the viability and vitality of this village;
- The application would be improved if vehicular access was one-way into the site with a vehicular exit via Crafton Green Car Park.
- Pedestrian access is not protected from traffic and needs to be segregated for safe access to Crafton Green car park;
- Need footpath between Cambridge Rd and Crafton Green car park
- The proposed scale of Commercial building No. 2 is too large for the site and surroundings;
- Inappropriate development;
- Poor vehicular access sightlines;
- Reduction in speed limit required;
- Scale and design;
- Overlooking;
- Camped form of development;
- Small gardens;
- Limited parking;
- No separate pavement;
- Limited outdoor space;
- Inadequate space for vehicle manoeuvring;
- Planning authority could be more proactive and instigate something that would be of benefit to the community;
- Impact on adjacent conservation area and Greenfields;
- Parking spaces would be lost as a result of the development;
- Reduction in speed limit;
- Lack of parking in Stansted impacting on businesses;
- No need for additional commercial;

- Alternative improvements would be either the complete amendment of the design so that access is provided via Crafton Green (to the south of the plot), or, the installation of a mini roundabout on the access site AND the removal of the second commercial unit entirely in favour of additional parking spaces that could be used all of the retail units along the main road.

9.2 Letter has been received from Barker Parry Town Planning representing number of residents and owner/occupiers of surrounding businesses, consisting of 210 names. This has raised the following points;

- Poorly conceived and designed scheme;
- Over development;
- Prejudicial to highway safety in Cambridge Road;
- Inaccuracies and omissions;
- The commercial building is not 2.5 storeys it is 3 storeys;
- Documents are not listed and the floorspaces/uses section (Q18) is incomplete;
- Redline plan also fails to correspond with the site plan;
- impossible to understand how the shop unit and commercial bin stores function, a matter exacerbated by the elevations of commercial Unit 1 (BRD/15/006/003) all being misnamed;
- Difficulty in commenting on scheme;
- Brief Design and Access Statement provided, without comparing and contrasting;
- Development would not function properly resulting in highway and amenity problems;
- The last occupiers moved out 8 years ago;
- Site was demolished in 2013;
- Site has a 'nil' use and requires planning permission to be used under Permitted development rights;
- Previous use not a material consideration;
- Photos have been provided showing a delivery vehicle trying to park where there are parked cars in the delivery bays;
- Poor visibility splays;
- The A1/A2 shop unit would be set back from the pavement edge behind planting (no explanation of implications to sight lines) and with no outside space;
- No obvious access to bin storage;
- Bins are at a distance from the highway;
- Commercial refuse lorries would be larger and will not be able to manoeuvre within the site;
- Commercial unit 2 would replace dwellings from the previous scheme no floorspace has been included in the application forms;
- Office windows overlooking tyre and exhaust place would have diminished daylight and sunlight and outlook, reliance on artificial light;
- B1a offices able to change to residential under current legislation and place further pressure on parking;
- Tandem parking sign of overdevelopment, uncontrollable if commercial is sub-divided into 6 units;
- Spaces unclearly divided between commercial use and users of the proposed shop;
- Under provision of between 11-15 spaces;
- More parking provided now but also more commercial space is provided;
- Overlooking between commercial unit 2 and plots 1-3 is a concern;
- Plot 3 is overlooked by Plots 4-5;
- Introducing building where there was not historically any where Plots 4-7 are;
- Plot 6, 8 & 9 is capable of converting loft due to design which could cause overlooking;

- Plot 7 overdeveloped distance from rear boundary; single window to rear elevation should be obscure and fixed shut; restricted outlook;
 - Bin storage unsuitable for plots 4, 7 and 10;
 - Mixed use unacceptable;
 - No service area or dropping off point for commercial;
 - No regard for failings of previous scheme;
 - Lack of sight lines;
 - There has been a material change since the use has ceased Tesco's opened in 2010 and Sainsbury's is due to open by Christmas 2015;
 - 210 names listed within letter as objections
- 9.3 A letter and report has been submitted by Rowland Bilsland Traffic Planning in support of Barker Parry's letter above;
- 9.4 *"We refer to the letter dated 26th August from Barker Parry Town Planning enclosing documents in support of an objection to the proposed development on land to the rear of 14, Cambridge Road, Stansted Mountfitchet, which is the subject of planning application reference: UTT/15/1666/FUL. With their letter, Barker Parry Town Planning enclosed our comments on highway and transport matters which have been given in the report reference: JR/AR/15025 dated 17th August, 2015.*
- 9.5 *It has come to our attention that the floorspace figure referred to in the applicant's Transport Statement prepared by SLR Global Environmental Solutions with reference: 418.05186.00003 dated May, 2015 is different from that which has previously been given for this site, and which is incompatible with the site area.*
- 9.6 *The figure which is now in doubt is that which is given in paragraph 2.2 of the applicant's Transport Statement for the gross floor area of the buildings which the application site has accommodated and which have now been demolished. The applicant has referred to that as the existing site. Paragraph 2.2 gives a total floor area of 7,973 sq. metres. That figure cannot be checked against information on the planning application form because there is no figure given on that form for the existing floorspace. Unfortunately, the planning application form fails to give any figure for the gross internal floorspace of the previous development. It does, however, give a site area of 0.42 hectare.*
- 9.7 *Reference to a previous planning application reference: UTT/0215/12/FUL for a development by Bellway Homes Limited, gives different information for the existing use of the site. The form for that application gives an existing gross internal floorspace of the buildings as 2,454 sq. metres. The Site Marketing Assessment Report prepared by Mullucks Wells in support of that same application provides a schedule of accommodation for the existing buildings in paragraph 2.4 of that report. The combined gross floor areas is given as 2,454.2 sq. metres. Clearly the Marketing Report and the planning application are consistent in giving the same floorspace for the existing buildings.*
- 9.8 *It is surprising that the Transport Statement submitted in support of planning application reference: UTT/15/1666/FUL gives a figure of 7,973 sq. metres for what should be the same buildings as those which were considered in documents submitted in support of the Bellway Homes proposal. It is clear that there is a material difference between the two floorspace figures, comparing 7,973 sq. metres with 2,454 sq. metres. To put this in context, the current application form gives the site area as 0.42 hectare, equivalent to 4,200 sq. metres. A gross floor area of 7,973 sq. metres would suggest that two storey buildings would have almost covered the site, as this is almost double the*

site area. Clearly, that is not the case. This is apparent in the Google Earth image scanned into the Barker Town Parry Town Planning letter of 26th August, 2015 submitted in support of the objection. We have already given comments, in our report dated 17th August, 2015, which has noted several inconsistencies and errors in the applicant's Transport Statement and in the planning application form. It is considered that the change in the gross floor area of the existing development compared with the proposed development is a material consideration for the assessment of vehicle movements associated with the application site. Having considered various documents we draw the conclusion that the correct gross floor area for the existing buildings should be 2,454 sq. metres, as referred to in the Bellway Homes application. On that basis, it would appear that the applicant's Transport Statement has overestimated the existing floorspace and, therefore, overestimated the number of vehicle movements for the existing use.

- 9.9 We refer next to the applicant's Transport Statement. It deals with site traffic generation in Section 6. Paragraph 6.1 gives the gross floor area for the existing use as 7,973 sq. metres. It is this figure which is considered to be incorrect and should be 2,454 sq. metres. Tables 6.1 and 6.2 are based on that incorrect gross floor area and are, accordingly, incorrect. The daily figure for all vehicle movements shown in Table 6.1 is 209. Application of the same trip rates to the alternative gross area of 2,454 sq. metres gives a daily total of 64 vehicles, some 135 vehicles less than suggested in the Transport Statement. Table 6.2 gives the daily OGV trips as 29. Application of the alternative floorspace figure of 2,454 sq. metres reduces that to 9 vehicles. The existing floorspace does not affect Tables 6.3, 6.4 or 6.5 which all refer to the proposed development. Table 6.3 gives the estimate for daily traffic movements for the proposed residential use and Table 6.4 gives the daily total for the proposed commercial use. Table 6.5 combines those figures and indicates a daily total of 199 vehicles for the proposed uses. Section 7 of the Transport Statement comments in paragraph 7.2 on the net change in the number of traffic movements. It suggests on the basis of a gross floor area of 7,973 sq. metres that the proposed development would result in a reduction of 10 vehicle movements per day. On the basis of the alternative floorspace figure of 2,454 sq. metres, the application proposal would result in an increase of 135 vehicle movements.
- 9.10 Paragraph 7.5 gives a summary of the impact of development traffic on the highway network. Whilst it alleges that the application proposal would result in a reduction in the number of vehicle movements associated with the application site, that conclusion is not correct. The proposal would be expected to result in an increase of 135 vehicle movements per day. When compared with the existing use which would generate in the order of 64 vehicle movements per day, the proposed use would be expected to generate more than 3 times the number of vehicle movements estimated for the existing use. This is a material increase which changes the conclusions of the Transport Statement. In Section 8 of the Transport Statement, the fourth paragraph indicates that "The proposal would result in a reduction in the levels of potential traffic which is likely to have been generated by the site's historic use." That conclusion cannot be drawn on the basis of the alternative floorspace figure of 2,454 sq. metres for the existing use. The conclusion which should be drawn from a comparative site generation analysis using the existing gross floor area of 2,454 sq. metres rather than the incorrect figure of 7,973 sq. metres is that the proposal would be expected to result in an increase of 135 vehicle movements per day.
- 9.11 In view of the material change in the floorspace figure and the resultant change in the conclusion of the Transport Statement, we consider that Uttlesford District Council Planning Department should re-consult the highway authority on this matter."

An addendum has been received stating that the revised drawings do not address the problems above.

- 9.12 At Item 10 of the application form it is indicated that the existing development has 50 car parking spaces and that the proposal would have 31 car parking spaces. As far as it is known, there has been no drawing submitted which indicates the current car parking provision or gives evidence of that number of spaces.
- 9.13 38 car parking spaces are being provided different to the application form; Conflicting information on the application form regarding whether the buildings are existing or demolished and when. Same with floor spaces proposed; Site area is stated to be 0.42ha on the form and 0.43ha;
- 9.14 No information provided on the opening hours of commercial buildings;
- 9.15 Redline and site plan is wrong;
- 9.16 D & A statement wrongly states that the M11 has relieved traffic from the former A1. That is not correct. It has relieved the former A11 route, now classified B1383, which includes Cambridge Road through Stansted Mountfitchet village;
- 9.17 In paragraph 2.9, reference is made to the larger commercial unit which is referred to as Commercial Unit 2 on the application drawing. It suggests that this "commercial unit (B1 use), will begin the north residential mews terrace". This is factually incorrect. There is no mews terrace shown on the application drawing.
- 9.18 The Transport Statement states that the gross floor areas of the warehouse, the former showroom buildings and the small office building were 4,224 sq. metres, 3,292 sq. metres and 457 sq. metres giving a total of 7,973, sq. metres. It is not clear whether this is gross internal or gross external floor area.
- 9.19 Transport Statement gives gross internal floor areas of 194 sq. metres and 543 sq. metres for the two commercial units. This gives a total of 737 sq. metres which it indicates would be occupied by "mostly B1 use with A1 use on the ground floor".
- 9.20 A commercial refuse store which is shown on the site plan to be to the southwest of an area of land between Commercial Unit 1 and Commercial Unit 2. There is no information on how access would be provided to that refuse store. It is noted that the land which appears to provide access to the refuse store is not within the red line area.
- 9.21 It fails to show the pinch point which has a width of only 4.3 metres. It is unclear what length of the access road would be subject to the reduced width of 4.3 metres. It is noted that the site access road would be a shared surface access which is considered appropriate for residential development.
- 9.22 The proposed site plan numbered BRD/15/006/002-A, shows the width of the access to the 8 car parking spaces on the north side of the access road to be only 2.7 metres. This width is inadequate to serve the parking area.
- 9.23 The access size is inappropriate to serve commercial units of this size;
- 9.24 The proposed site access road is designed with a turning head at the cul-de-sac end of the road adjacent to residential dwellings. The introduction of a commercial unit within the development would lead to that turning head being used by commercial vehicles,

including heavy goods vehicles, making deliveries to Commercial Unit 2. That would be prejudicial to the safety and residential amenity of the proposed dwellings.

- 9.25 It is unclear from the application whether the access road will be adopted;
- 9.26 The TS deals with junction visibility. It indicates that appropriate visibility splays are available at an "x" distance of 2.4 metres, for a distance of 80 metres to the south and 90 metres to the north. The loading bay and bus stop impose restrictions on visibility
- 9.27 The Transport Statement does not provide details of the bus services, frequency of the use of the loading bay obstructing visibility. The parked vehicles would result in high-way safety risk to the movement of vehicles along Cambridge Road particularly vulnerable road users including cyclists;
- 9.28 The Transport Statement fails to make any reference whatsoever to provision of pedestrian visibility splays for the site access. It is generally recommended that pedestrian visibility splays of 2.0 metres x 2.0 metres should be provided on each side of a site access road behind the back edge of footway. Such visibility splays should be built into the design of the site access road to ensure pedestrian safety.
- 9.29 No reference is made to the number of pedestrian footpath users;
- 9.30 No information has been provided that the garages accords with Parking Standards. The Parking Standards requires 22 car parking spaces for the residential including visitor spaces; the site plan does not dimension parking spaces and cannot determine whether they are adequate;
- 9.31 Inadequate car parking has been provided for the commercial units. The number of parking spaces is less than the maximum required by the standards. This is insufficient in this central location in Stansted. There is a risk of overspill of car parking from the commercial and resulting in congestion and highway safety;
- 9.32 If the access road is in private ownership it is unclear how on-street parking would be effectively controlled;
- 9.33 No information has been provided regarding cycle provision;
- 9.34 The TS makes the assumption that there is a lawful use which could be used as a basis for comparison of the number of vehicle movements for the existing and proposed uses. I understand that it is uncertain whether or not the site currently has a lawful use.
- 9.35 The residential floorspaces referred to range between 4,000 and 12,000 sq. metres of floorspace. Reference is normally made to commercial and think that reference to residential is an error;
- 9.36 Trip rates have been based on 7 other sites in England. A different trip rate would be achieved if sites in the South East and East Anglia were looked at. Whilst methodology of trip rates is correct the site selectin is not. It is normal practice to consider similar sites in a similar location for comparison with any particular proposal. There is a substantial amount of information in the TRICS database for B8 Warehouse use for sites in England which should provide data which is more comparable for the trip rate assessment. No reference has been made to retail use. Trip rates are therefore underestimated. There is no justification for the applicants contention that there would be a reduction in vehicle movements;

9.37 A number of letters have been received from Councillor Dean raising the following points:

"The application is opposed on the following principle grounds:

- 1. Safety to pedestrians and motorists owing to the inadequate design of the entrance to the site*
- 2. Aggravation of existing and unacceptable congestion in the vicinity of the site*
- 3. Absence of any practical mitigation of existing congestion on Cambridge Road outside the application site*
- 4. Overdevelopment of the site and inadequate car parking provision putting pressure on already inadequate capacity at the adjoining public car park at Crafton Green*
- 5. Consequent damage to the vitality of the nearby commercial and retail central street."*

9.38 *"Stansted's Town Centre*

The future of the Cambridge Road area has recently been described by Action for Market Towns. This piece of work is a precursor to the parish council developing a Neighbourhood Plan for the parish, with particular emphasis on the central area. Their report contains a SWOT analysis. The strengths are encouraging and provide a good basis for economic growth as the recession recedes. Poor parking, busy roads and cars blocking the pavement and factors that could and should be addressed by a comprehensive master plan for the "Crafton Green" development site which includes the Application Site. The identified opportunities would be seriously undermined if this application were approved. The identified threats would be more likely to be fulfilled if the application were allowed.

9.39 *Pressure on services in Stansted Mountfitchet has been growing in recent years owing to population increase and further growth in business activity will result from planned housing growth in Stansted and surrounding communities:*

- Stansted has already grown by approximately 25% in the past five years resulting mainly from 700 new homes at Forest Hall Park in the south of the parish*
- Planning permission has recently been granted in Stansted for a further 200-plus homes*
- East Hertfordshire District Council is giving permission for 2,200 homes less than two miles away to the south on the northern edge of Bishop's Stortford.*

9.40 *It would, therefore, be unreasonable to conclude that there is no demand for commercial and retail activity on the site and that residential use should be the predominant future form of development. The inadequacy of car parking capacity and the absence of ready accessibility from the Cambridge Road area are probably the factors which most damage the street scene and cause most public dissatisfaction and safety concerns with that part of the centre.*

9.41 **REASONS FOR REFUSAL**

- 1. Safety to pedestrians and motorists owing to the inadequate design of the entrance to the site*

A serious accident occurred close to the application site on July 1st 2015 involving a car attempting egress from a site opposite onto Cambridge Road and a car travelling along Cambridge Road which collided with the other car and then caused serious damage to a store delivery lorry for Tesco. One of the drivers was hospitalised. Two fatalities have occurred in past years resulting from vehicles exiting the application site under previous uses of the site. The width of the access road at an assumed 5.7m

is inadequate. It cannot accommodate Essex Design Guide visibility splays of 1.5m x 1.5m Conditioned on a much smaller development at the Yuva/Wood Grill Restaurant site in Cambridge Road immediately opposite the application site. The site plan shows no pavement for pedestrian safety. The omission of these two safety features is unacceptable.

*2. Aggravation of existing and unacceptable congestion in the vicinity of the site
Parking congestion on Cambridge Road has worsened since the Tesco store opened immediately to the north of the proposed access road and since the application became vacant of all development. A Sainsbury store is due to open immediately south of the application site later in 2015. The three convenience stores by The Coop, Sainsbury and Tesco together with a bus stop are/will be putting major strain on congestion and traffic visibility in immediate location of the access road to the application site. The planning proposals that are the subject of this application will not ease the situation; they will aggravate what is already unacceptable on both grounds of congestion and safety.*

3. Absence of any practical mitigation of existing congestion on Cambridge Road outside the application site

The aims of the Parish Council and District Council Members for Stansted is to improve traffic and pedestrian movement and safety in the Cambridge Road area. This application offers nothing that can be described as a significant community gain to meet these objectives. The proposal for a pedestrian walkway between the application site and the Crafton Green car park is more likely to serve the inadequate parking needs of the proposed development that it is likely to ease congestion on Cambridge Road. Few convenience shoppers are likely to divert from parking outside the convenience stores to drive into Chapel Hill and Crafton Green so they can use the proposed walkway. A walkway will only be of real value if it is combined with a safely designed vehicular access to the car park via the application site. The parish council will be pursuing all these matters in more detail over coming months through the development of a Neighbourhood Plan.

4. Overdevelopment of the site and inadequate car parking provision putting pressure on already inadequate capacity at the adjoining public car park at Crafton Green

The addition of a 2/3-storey commercial building to the housing proposals is viewed as an ill-considered gesture to the retention of commercial/retail activity on the site. The application states there would be 86m² of Class A2 development on the site. This seems to identify the proposed shop only that would face Cambridge Road, but the details in the application document are inadequate. No quantification of the Class B2 development has been provided. A private assessment suggests that this totals 620m². Parking provision for such a development of A2 and B1 premises should be 33 or 34 spaces, comprising 26 standard spaces, 6 disabled spaces (which should be wider than standard spaces) and 1 or 2 visitor spaces, subject to better information being provided by the applicant on his commercial proposition. The proposed parking capacity for the site is only 31 spaces in total, including several spaces that would require inefficient tandem parking, making the effective parking capacity less than 31. This does not even meet the requirement for the commercial premises before any consideration is given to the proposed residential property. Existing congestion on Cambridge Road and regular lack of spare capacity at the Crafton Green car park makes any suggestion that this is a town centre development that can be under-provided with its own parking untenable. This is now a town centre like Bishop's Stortford where there is significant public car parking that can absorb the deficits created by proposed developments such as this one. The proposal amounts to over-development of the site and should be refused for that reason.

5. Consequent damage to the vitality of the nearby commercial and retail central street.

The previous four reasons for refusal add up to damaging the vitality of this commercial and retail centre of Stansted Mountfitchet. The proposal is not sustainable as it pays minimal attention to the long-term needs of the community of Stansted Mountfitchet owing principally to its over-development and its disregard of today's situation, which are much changed since the site was originally developed many decades ago and even since the site was last occupied over two years ago. It does not meet the sustainability requirements of the National Planning Policy Framework."

9.42 A letter has been received directly from Councillor Dean raising the following;

"I wish to protest that Essex Highways has not provided a transparent evaluation of the application and has responded in an inconsistent manner compared with other applications of a lesser scale in the immediate vicinity.

I am opposing this application as district councillor for Stansted North and I write in support of representations by some 200 residents and business people prepared for them by Barker Parry Town Planners and by Rowland Bisland Traffic Planners. I am appending these Community Reports (a term I will continue to use below) with this representation letter.

The reasons for my objection to this application are nine-fold:

1. The site would be over-developed if the application were approved; the houses and the commercial buildings are together too big and the development would not function properly as described in detail in the Community Reports;

2. Parking is under-provided by around 15 spaces, or around 50%, and includes impractical tandem parking. This would put an intolerable burden on the public's nearby Crafton Green Car Park because of a connecting pedestrian link and on parking demand in Cambridge Road. Further detail is contained in the Community Reports;

3. The entrance to the site and exit from it into Cambridge Road is too narrow with poor sight lines; there would be a dangerous conflict with pedestrians and with passing vehicles and with parked lorries outside Tesco and with buses at the stop immediately outside the site. This is illustrated in more detail in the Community Reports.

4. Essex Highways has failed in its representation to provide any assessment of the impact of this proposed development on parking, traffic congestion, highway safety, pedestrian safety, on-site turning space and capacity for servicing the residential and commercial buildings, as described in greater detail in the Community Reports. It has responded inconsistently compared with other recent planning applications in the immediate vicinity, viz. Yuva, 21 Cambridge Road, Stansted, for 3 dwellings, UTT/14/1549/FUL and UTT/14/0064/FUL and Geneva Motors, 10 Cambridge Road, Stansted, for tyre and exhaust repair workshop, UTT/13/1456/FUL. This inconsistency is cause for community concern about the objectivity and transparency of the planning process. The application should be evaluated against current policies, guidelines and standards including the requirement for sight lines and access splays.

5. The site has no existing use. This was mostly ceased several years ago and was completely extinguished by total demolition and site clearance nearly three years ago; there is no practical basis for anyone claiming that this latest proposal is no worse than

what exists and has permission; nothing exists and nothing has permission! Past uses are extinct according to legal advice from a planning barrister consulted by community members.

6. There are flaws and inaccuracies in the applicant's description of his proposal. These are spelled out in the Community Reports. They should be scrutinized and not accepted at face value;

7. The applicant claims that he has addressed weaknesses in the last scheme dismissed at appeal. But this is a different and denser development that must be made to stand or fall on its own merits and should not be supported for approval based on shaky claims that some features are better than those the Planning Inspector previously rejected. The council's focus should be on whether the current application complies with current policy, guidelines etc. and with current safety requirements for a scheme of this complexity;

8. The effects of the development would be to damage the vitality and economic success of the Cambridge Road retail and business area by creating greater traffic and parking congestion, increasing safety hazards to pedestrians and motorists whilst bringing little to outweigh those detrimental impacts;

9. The applicant has carried out no public consultation, contrary to past precedent in line with procedural expectations. There is minimal community support for his application.

I urge refusal of this application."

9.43 Letters of Support raised the following points;

- Neglected area of borderline derelict units.
- Traffic on Cambridge Road is unlikely to be affected significantly, and is only an issue now because drivers park and stop illegally, a practice which will not change without enforcement. With the proposed move of the Co-Op, it should in fact be reduced.
- More houses needed to be built.
- Application addresses both the historical commercial use for this land and also the pressing need for more houses in our community.
- Do not see problem with road access to these houses or much disturbance caused by 20 or so cars leaving at random times during the day.
- Cambridge road is busy, but it should not be a reason to reject some new houses being built.
- Support local employment.
- With commercial space either side of this development very few neighbours that would be impacted.
- The tallest building within this development is 3 stories, ground floor plus two further stories. A nearby building locally known as Greenstores, where the hairdresser is also a three story building. Hermitage House and St. Stephens Court are 4+ story buildings. The height of the buildings within this development is not an issue.
- The previous planning application UTT/13/1126/FUL was refused due to over development of the site due to provision of undersized gardens, a failure to provide homes which meet Lifetime Homes Standards and a lack of onsite vehicle parking, contrary to Policies GEN2 and GEN8 of the Uttlesford local Plan (adopted 2005), SPD Accessible Homes and Playspace (adopted November 2005) and the Essex Design Guide (adopted 2005).
- This new application UTT/15/1666/FUL has addressed all of these issues. Conclusion, these are not reasons for refusal.
- The use of all Highways in our village is a source of contention with frequent traffic jams. Essex Highways have considered this issue and the consequences of this rel-

atively small development and have concluded that its development will not contribute to significant traffic increase.

- It is frequently mentioned by Council members that the site could be used for local stores delivery vehicle unloading and loading. These vehicles are HGV's of the largest size and would have considerable difficulty turning into the site across a public footway; this would create great risk to pedestrians using the footway and vehicles progressing along the B1383. If these HGV vehicles travel through Crafton Green they would egress onto Chapel Hill, within a few metres of the junction with Cambridge Road and Silver Street, this would create yet another danger.
- Application should be approved with the following amendments: - greater traffic calming measures are installed in the road of this development near to its entrance, a suggestion, rumble blocks in the road & a pedestrian footway from the path leading from Crafton Green parking lot to Cambridge Road is installed.

9.44 **Officer Comments:**

- Parking enforcement is not a material planning consideration;
- This is not a new vehicular access, it is existing;
- In terms of health care infrastructure a new medical centre is in the process of the being constructed in Stansted;
- There is a public footpath from Cambridge Road along the southern part of the site to the public car park;
- In terms of 5 year land supply regardless of the fact whether the Council has met there 5 year land supply the LPA has a duty to make ongoing housing provision to continually have a 5 year land supply;
- The NPPF forms part of the development plans as well as the currently adopted Local Plan and is required to be taken into consideration in accordance with S70 of the Town and Country Planning Act 1990 (as amended) and S54A of the Town and Country Planning Compensation Act 1991 (as amended);
- In terms of viability and vitality of the town the scheme is a mixed used development within a town centre local which would continue to maintain a retail frontage;
- In terms of seeking a scheme which is of a 'community benefit' this is not the role of the Development Management Team which has a duty to assessing all applications which are submitted to them in accordance with the Act;
- No parking spaces would be lost as a result of the proposed development;
- The redline is different from the site plan as there is a narrow strip of land within the northern part of the site which even though is within the application site and forms part of the planning unit is has been decided through all of the related applications on this to not incorporate this within the proposed scheme;
- There is an element to the south of the site which has been shown as a commercial bin store;
- Whilst it is not overly clear there is side access along the southern boundary between commercial unit 1 and the former bank number 12 Cambridge Road and the car parking spaces proposed to the rear;
- The site was not last occupied 8 years ago, at the time of the first and second applications on this site in 2012 the site was still occupied as confirmed during an Officer Site Visit;
- The site has not been 'abandoned' in any sense as suggested it use and development has been blocked and delayed through the planning system/decisions;
- With regards to the A1/A2use back set back this would help visibility;
- There is access both sides of Commercial unit 1 regarding access to refuse bin storage;

- Bins are within 25m of the highway, details of bin storage can be conditioned;
- Turning points have been provided for vehicles, the scheme would also need to comply with Building Regulations at a later stage;
- The plans submitted form part of the application including the floorspace highlighted within those plans;
- The 'amenity for the commercial is not a material consideration unlike for residential occupiers;
- Able to condition commercial to remain in commercial use should planning permission be granted, also the GPDO also has conditions which are required to be met for something to be Permitted Development;
- Commercial building is speculative therefore no opening hours have been provided;
- With regards to point 9.17 above Plots 1-3 is a row of terrace properties which is located to the north of the access road;
- With regards to point 9.30 no garages are proposed. The scheme proposes carports which are not required to accord with garage sizes. The 22 residential car parking spaces have been provided; The site plans is to scale and therefore dimensions are not required to be placed on the plan.

Consultations have been undertaken on the amended description, expiry 14/10/2015. Members will be updated of further representations.

10. APPRAISAL

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

- A Whether there is a material change or further information to overcome the previous grounds of refusal, Principle of development, and the justification relating to the loss off employment site (Local Plan Policy S1, E2 and GEN1);
- B Density, Scale, layout, design, amenity and sustainable construction issues (Local Plan Policies GEN2, GEN4, H10, ENV12, ENV15 & SPD: Energy Efficiency and Renewable Energy);
- C Highways, Accessibility and Parking (Local Plan Policies GEN1, ENV13 and GEN8);
- D Contaminated land issues, Flood risk issues, Impact on biodiversity (Local Plan Policy ENV14, GEN3 and GEN7);
- E Other material considerations:

A Whether there is a material change or further information to overcome the previous grounds of refusal, principle of development, and the justification relating to the loss of employment site

10.1 The Stansted Mountfitchet Community Plan was produced by the Parish Council, following extensive consultation with residents, in 2011. The district council has adopted the plan as approved guidance for determining planning applications. The Community Plan also has identified the application site for housing.

10.2 The NPPF supports the provision and delivery of new homes with a presumption in favour of sustainable development, of which the proposed development would utilise a brownfield site within development limits. NPPF paragraph 51 states *"LPAs.....should normally approve planning applications for change of use to residential use and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would not be appropriate."*

- 10.3 The NPPF also states in paragraph 23 relating to ensuring vitality of town centres amongst other things “*recognise that residential development can play an important role in ensuring vitality of centres and set out policies to encourage residential development on appropriate sites...where town centres are on the decline, local planning authorities should plan positively for their future to encourage economic activity.*”
- 10.4 The site is within the Development Limit of Stansted on previously developed land (brownfield) where in principle development is acceptable, subject to compliance with other policies of the Local Plan. The site is located within a sustainable location which is easily accessible by other forms of transport other than private vehicle.
- 10.5 The Carter Jonas and Place Services reports are independent reports which have been undertaken to inform the draft local plan process. The document had been submitted to the Planning Inspectorate as part of the local plan examination. Whilst the draft local plan has since been withdrawn in January 2015 this document still holds some weight and it is a material consideration.
- 10.6 The work from Carter Jonas and Place Services, as discussed in Sections 6.5 and 6.6 above, stated that “*The site would be capable of development for B1 commercial space but demand would tend to be for industrial end of the spectrum with single storey units with an office element. Such a development would seem inappropriate for this central location and more appropriate to an ‘out of town’ location where the traffic movements from commercial vehicles would be less intrusive. An allocation for town centre uses across the whole site is unlikely to find developers interested in resolving any ownership issues and promoting any scheme for the site. This could leave the northern part of the site derelict whilst the southern part of the site would continue with its existing uses.*” It would be unreasonable to recommend an application be refused on the basis that ‘something better will come along later’ or awaiting ownership issues to be resolved. This would result in stagnating general development particularly sustainable development contrary to the essence of the NPPF.
- 10.7 There is a demand to meet the Council’s housing provision and this site has been considered within the District Council’s Strategic Housing Land Availability Assessment (SHLAA). The consultation for the sites resulted in the “Parish Council considers that this site would be suitable for housing development providing it is not needed for business use” and the updated consultation responses January 2013 stating that “Applications UTT/0215/12 and UTT/1193/12 for 14 dwellings, office and retail space were refused in June 2012 and July 2012 respectively. The Proposals for a Draft Local Plan June 2012 proposed this site for 11 dwellings. In view of concerns over the loss of employment and the need for a small amount of additional retail floor space, Members of the LDF Working Group of 5 October 2012 agreed with a recommendation that this site along with STA10 (10 Cambridge Road) be identified as Development Opportunity Sites for town Centre uses. The availability assessment remains the same as the site is still suitable for residential development as part of a mixed use scheme however the availability of the site is uncertain.”
- 10.8 As outlined within the NPPF Local Planning Authorities have a duty to have a 5 year land supply. The most recent housing trajectory was presented to the Planning Policy Working group on 8 June 2015. The Council is required to identify annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. The Council considered that it is a ‘5% authority’ and this has been supported by the Local Plan Inspector and at appeal (APP/C1570/A/14/2221494 and APP/C1570/A/14/2222958).

- 10.9 The Statement explains that until the Council has determined its objectively assessed need it considers its housing requirement is between 557 to 580 dwellings a year. The Council estimates that 3530 dwellings will be delivered over the next 5 years which provides the District with between 5.1 – 5.4 years of supply, depending on the housing target, but including a 5% buffer.
- 10.10 National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.
- 10.11 The Council can demonstrate a deliverable 5 year supply of housing land. This application has to be considered against the guidance set out in Paragraphs 6 - 15 of the NPPF. The Council needs to continue to consider, and where appropriate, approve development which is sustainable and meets its housing objectives.
- 10.12 The Inspector within their decision did not raise a 5 year land supply issue. National policy seeks for such brownfield sites to be developed first, paragraph 17 of the NPPF which states amongst other things “*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value...*”, paragraph 111 also similar states “*Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land*”.
- 10.13 Local Plan Policy S1 for Development limits for the Main Urban Areas states “The development limits of the existing main urban areas and proposed urban extensions for Great Dunmow, Saffron Walden and Stansted Mountfitchet are defined on the Proposals Map. The following development will be permitted within these boundaries:
- Major urban extensions, if in accordance with this Plan;
 - Development within the existing built up areas, if compatible with the character of the settlement and, in addition, for sites on the edge of the built up area, its countryside setting.
- 10.14 Local Plan Policy SM1 for Local Centres in Stansted also states “The Cambridge Road and Lower Street areas are identified as local centres on the proposals map inset. Change of use of the ground floor of existing shops, restaurants, public houses and hot food takeaways to residential uses will not be permitted, unless both the following criteria are met:
- a) The existing use is surplus to current and foreseen future requirements; and
 - b) The property has been widely advertised for at least six months on terms reflecting its use.
- 10.15 The site by its historic use is within employment; however it is not an identified safeguarded site, under the adopted Local Plan, as it falls below a site area threshold of 1.0 hectare, at approximately 0.43 hectare. Local Plan Policy E2 relating to safeguarding employment land states that for sites that are not key employment sites, such as the subject application site, development will be permitted of those sites where the employment use has been abandoned or the present use harms the character and amenities of the surrounding area. The Council’s Planning Policy section previously

had commented that in order for this application to be acceptable the Council has to be satisfied that:

- there is no demand for this site for business use or
- that the use proposed will generate local jobs

- 10.16 It has been demonstrated through a previous Site Marketing Assessment Report submitted with the original applications that the existing buildings on site have deteriorated through the lack of maintenance and is in need of repair. A schedule of the physical condition of the buildings has been previously recorded dating 1996 outlining that the buildings at the time were in need of physical repair. Twenty-six years later the buildings have further deteriorated beyond viable economic repair. As a result of this these buildings have been demolished December 2012. Please refer to Appendix 1.
- 10.17 With regards to the loss of employment it has been emphasised in previous reports that the level of site usage has reduced over the years and is working to below its lawful operational levels both in terms of number of staff, intensity and vehicle movements.
- 10.18 The situation on the main road has changed following the introduction of Tesco which has resulted in an increase in parking, traffic, and delivery servicing issues in turn results in congestion around the sites entrance. Since this time the former Barclays Bank located to the south of the site has been taken over by Sainsbury's which are in the process of securing works and advertisements.
- 10.19 It had been recognised at the time of the previous application that should the application site be used to its full lawful capacity it was capable of being both a residential amenity and a highway safety issue, with little control to mitigate this at a later date. This has been supported by the Carter Jonas report, which states that such uses are unlikely to be suitable within town centre locations. This is considered particularly the case based on the mixed nature of the commercial use of the site which has been a mixture of A1 retail, B1 office/light industrial, B2 general industrial and B8 general storage and distribution.
- 10.20 Nonetheless, the subject application would not result in a total loss of commercial use from the site as the application seeks the redevelopment and provision of a two-storey flexible consent for a retail unit/professional services units (Class A1/A2 of the Use Class) with an office over which will contribute towards the local economy and maintaining the main roads retail frontage and service provision, in accordance with Local Plan Policy SM1. It is also proposed as part of this application the provision of further Class B1 office space along the southern boundary with 10 Cambridge Road, which is capable of being used for the purposes of small start-up business units. It is recognised that the provision of employment space could not be achieved through the pure provision of employment on site.
- 10.21 In terms of the appeal decision relating to planning application UTT/13/1126/FUL and whether the previous reasons for refusal have been addressed. The previous scheme on the site was for "Mixed-use development comprising 14 no. residential dwellings; a ground floor retail unit with independent first floor office and a 2.5 storey commercial building including associated garages, car parking and landscaping." This was refused at planning committee for the following reasons;
- "The proposed scheme would lead to an overdevelopment of the site contrary to the general character of the area. This is specifically manifested through the provision of undersized gardens, a failure to provide homes which meet Lifetime Homes

Standards and a lack of onsite vehicle parking. The proposed is therefore contrary to Policies GEN2, and GEN8 of the Uttlesford Local Plan (adopted 2005), SPD Accessible Homes and Playspace (adopted November 2005) and the Essex Design Guide (adopted 2005).”

- 10.22 The points raised are fundamentally design grounds which will be addressed below in Sections B and C. In relation to the principle of the mixed use the Inspector within their decision stated;

“30. The Council did not object to the principle of the redevelopment of the existing employment land, based upon the mix of uses put forward. The proposal includes employment uses and the Council was satisfied that the level of employment generation would be greater than that generated by the former industrial buildings which had been under-utilised for a number of years. Consequently, they were satisfied that the redevelopment of the employment site was acceptable in relation to policy E2 of the Local Plan. On the evidence before me, I agree with this assessment.”

31. At the Hearing I was provided with a copy of the emerging Stansted Mountfitchet Policy 7 – Development Opportunity Site (DOS). This is an emerging policy that has yet to be tested at a Local Plan examination. It is not clear if there are any outstanding objections to the policy. Given these points, I can attach limited weight to it, taking account of the requirements of paragraph 216 of the Framework. In any event, the policy requires that any development should form part of a comprehensive development or not prevent the development of any other part of the site. The proposal would provide a link through to the Crafton Green car park and no evidence has been submitted suggest that it would prevent other sections of the DOS from being developed. Consequently, whilst I note the desire of the Stansted Mountfitchet Economic Working Group to secure an alternative form of development across the DOS, I find nothing in local planning policy, either extant or emerging, that would preclude the principle of a mixed use development on the site in the absence of any wider redevelopment.”

- 10.23 This is still considered to be the case and there has been no material change in this respect.
- 10.24 In terms of the points that have been raised by the Barker Parry many of their points have been addressed in Section 9.44 above. Other points which have been raised are amongst other things are that the previous occupiers of the site had moved out 8 years ago. This is not correct as the site was under occupation whilst the first two applications were under consideration in 2012, as had been confirmed by Officer’s site visits. Sworders Antiques had left before then as they had relocated just outside Stansted. The Consultants have been arguing ‘abandonment’ and that the site has a ‘nil’ use requiring planning permission as there are no Permitted development rights, also that the previous use not a material consideration. This too is disputed. The site has a lawful historical use for employment purposes and should an application be submitted for employment on this site then this is material consideration as would be the level of vehicle movement which the site lawfully operated at. It would be wrong if this not considered and a misjudgement. This application is a mixed use which does consists of employment floorspace and therefore the previous use is a material consideration regardless.
- 10.25 Case law has established clear tests for ‘abandonment’, all of which should be met. In this case the owners intentions have been clear. The site has been vacant since the demolition of the buildings in January 2013. Since this period and before (since May 2012) applicants have continually attempted to gain planning permission for the re-

development of this site. The length of time involved has not been excessive and within the normal bounds of redevelopment proposals. Therefore the site cannot be considered 'abandoned'.

- 10.26 It has been suggested by Barker Parry within their representations that a mixed use is unacceptable. The previous application for a mixed use UTT/13/1126/FUL was not refused for this reason (please refer to Paragraph 5.6-5.7 above) and the Inspector confirmed within his decision (please refer to paragraph 10.24 above) that a mixed use was acceptable.
- 10.27 Embroiled in the above argument from Barker Parry inconsistencies have been raised between floorspaces which have been highlighted within the applicant's Transport Statement undertaken by SLR and that which has been previously submitted Mullucks Wells within the Site Marketing Assessment Report which was submitted as part of the first and second planning application. This inconsistency has been carried over from the previous applications. SLR have used the same figures which have been provided by the previous transport consultants, Ardent in their report dated January 2012. Therefore the Transport Consultants have been consistent in using the original floor-space figures that were used within the previous transport statements. However, it should be emphasised that due to the size of the proposed development a Transport Statement is not a validation requirement.
- 10.28 In conclusion the site is a brownfield site by definition located within development limits, with limited main road frontage. Policy positively looks upon the re-development of such sites first. The site is identified for residential purposes both in the Stansted Mountfitchet Community Plan (2011), and the Uttlesford District Council's Strategic Housing and Land Availability Assessment (SHLAA). The development in principle therefore accords with Local Plan Policies S1, E2, SM1, GEN1, RS1 and RS2, also the NPPF, Stansted Mountfitchet Community Plan, and the assessments from Place Services and Carter Jonas. In terms of the principle the nature of the proposed use was not a reason for refusal and this has been reinforced by the Inspectors decision.

B Density, Scale, layout, design, amenity and sustainable construction issues (Local Plan Policies GEN2, GEN4, H10, ENV12, ENV15 & SPD: Energy Efficiency and Renewable Energy);

- 10.29 With regards to the proposed design of the scheme the NPPF; also Local Plan Policy GEN2 seeks for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design. Policy ENV2 for Development Affecting Listed Buildings seeks for development that preserves and/or enhances their character, setting and appearance.
- 10.30 With regards as to whether the scheme would be compatible with the character of the settlement area and countryside, the scheme would see redevelopment within Development Limits and previously developed land. The proposed development would make more efficient use of a currently underutilised site within a brownfield locality, of which in principle is supported both by National and local plan policies, as discussed above.
- 10.31 The density of the proposed development would reflect that of national policy and the Essex Design Guide at 35dph. The schemes reduction from 14 dwellings down to 10 dwellings has in turn resulted in the density being reduced as well. Therefore this would be compatible with the surrounding area and it is not considered to be an overdevelopment or inconsistent development within its urban setting. What the

development provides on site has been designed to ensure that the scheme not only achieves a mixed use development, which would provide a mixture of employment to address the previous concerns raised on previously refused applications, but it also proposes the residential to ensure that the employment element can be viably provided. The proposal has also been redesigned to address the appeal decision. The scheme accords with Local Plan Policy GEN2. Due to the sites locality and the nature and scale of the proposed development the scheme also accords with Local Plan Policy H3 and Policy H4 (a), (c) and (d).

- 10.32 The size, scale, design and siting of the proposed dwellings, retail/office unit fronting Cambridge Road and the B1 units is acceptable. Commercial unit 2 whilst it has been designed at 3 storeys and 10.7m in height, this reflects the neighbouring buildings on Cambridge Road and the recently approved tyre and exhaust building at 10 Cambridge Road (UTT/13/1126/FUL) which has a height of 12m.
- 10.33 There would be no overlooking as the dwellings have been sited respecting the required back to back distances. These would be of at least 25m from existing residential dwellings located to the north (fronting Clarence Road), as outlined within the Essex Design Guide, and taking into account other dwellings which have been orientated away and/or have the benefit of heavy screening from large conifer trees.
- 10.34 The Essex Design Guide (2005) recommends 50 square metres for up to 2 bedroom units and 100 square metres of garden space for 3 plus bedroom dwellings. All the dwellings now accord with EDG whereas the previous appealed scheme some dwellings fell below the recommended amenity space levels.
- 10.35 The proposed heights of the units would vary from 8.5m to 9.8m. There has been a reduction in total height of the highest dwelling from 10.4m to 9.8m. The siting, distances and relationship with surrounding properties the proposed heights are considered to be generally acceptable subject to a condition relating to levels should planning permission be granted.
- 10.36 With regards to the design of the scheme it would not directly relate to a specific property as this would be difficult due to the nature of the plot and its siting. The houses general appearance is well designed in nature and has been adapted to respect its neighbouring relationship. This is acceptable and considered to accord with Local Plan Policy GEN2.
- 10.37 A public footpath is designed into the scheme from Crafton Green Car Park this is in line with the Place Services assessment by allowing a link from the public car park through the development to the shops and proposed commercial units. This would be subject to the previous secure by design measures required by the Architectural Liaison Officer.
- 10.38 Due to the orientation of the proposed dwellings no impact is considered upon the setting of the listed buildings which front Cambridge Road, in accordance with Local Plan Policy ENV2.
- 10.39 Local Plan Policy H10 seeks that residential schemes provide a mixture of house sizes. It has been outlined within the Stansted Community Plan that there is a need for 2 and 3 bedroom units. The proposed development would provide be 3 x 2 bedroom units 7 x 3 bedroom units. The balance has been amended since the reduction in the number of dwellings to address the Inspectors concerns. This would provide a balance in the size of the family size units including meeting the need for 2 and 3 bedroom units, in accordance with Local Plan Policy H10 and the Community Plan.

- 10.40 Due to the site's density being in accordance with Essex Design Guide and meeting other local plan requirements such as level of amenity, parking standards and back to back distances the number of units is an appropriate balance without compromising the proposed development overall.
- 10.41 The proposed flexible retail unit has been designed to provide both retail/office space in order to increase and retain retail/office frontage, in accordance with Policies RS1, RS2, and E2. The design of the proposed retail/office unit fronting Cambridge Road has been designed to be sympathetic with the surrounding heights and design of the adjacent units, also to provide a streetscene frontage whilst entering into the site so it give a sense of overlooking and interaction without creating a dead wall space. The design is considered to be proportionate and in keeping with its surroundings, also an improvement to what was on site previously located here. This accords with Local Plan Policy GEN2, and NPPF.
- 10.42 ULP Policy RS1 requires all retail developments to ensure that they are accessible to all in order to ensure social inclusion; this would be covered by Part M of the Building Regulations. The dwellings are capable of meeting Lifetime Homes Standards.–Whilst it has been argued that the garage/carports would give way to being converted to habitable room space in the future it is considered that should the scheme be approved this can be conditioned. This is in accordance with sections (c) and (d) of Local Plan Policy GEN1, GEN2 and SPD Accessible Homes and Play space and the golden thread of sustainability engrained within the NPPF.
- 10.43 The Inspector raised the following concerns and points;
- “The proposed dwellings would be orientated such that the rear gardens of those on the northern and western perimeter, plots R4 to R9, would border rear gardens of existing dwellings at Clarence Road and Greenfields. The distance between the proposed and existing dwellings would be sufficient to prevent any undue loss of privacy or overbearing impact and the layout would result in a contiguous area of green space created by the respective garden areas of each dwelling. Established planting within existing gardens would provide a pleasant outlook from the rear of the proposed dwellings on the northern and western side of the scheme.” In place of plots R4 to R9 are plots 4 to 9 the Inspector indicated no concern regarding these and these are still considered acceptable. Garden sizes of Plots 4 and 5 have since been increased to meet and exceed the EDG. Nonetheless these were still described as having “...satisfactory living conditions for future occupants.” (para 10)
- 10.44 In paragraph 12 of the Inspectors decision concern was raised regarding the proximity of the dwellings R11 to R13 to the shared southern boundary with Gevena Motors. This has since been addressed by removing these dwellings and replacing them with commercial unit 2 which would reflect the neighbouring consent UTT/13/1126/FUL and addressing all amenity issues such as outlook, overshadowing and possible noise issues. Similarly in paragraph 15 of the Inspector's decision concerns relating to Plot R1, “the garden at plot R1 would be enclosed between the rear wall of the dwelling, the side wall of the proposed office building and the outbuildings to the rear of the Co-operative store. The south-facing wall of the store, which would form the northern boundary of the garden, would present a blank and an unattractive outlook, worsened by the unsightly collection of air conditioning units that would be clearly visible. The garden immediately to the rear of the house would also be overshadowed for large parts of the day due to the orientation of the dwelling. In combination, this would result in a confined and unattractive external space with restricted practical use, and an unsatisfactory outlook onto the unattractive commercial façade.” This has been ad-

dressed by re-orientating and designing the dwellings so that commercial parking spaces and rear lengths of the gardens are adjacent to those walls. This is considered to sufficiently address the Inspectors concerns.

- 10.45 Following the revised scheme on the subject site UDC Environmental Health does not raised any concern regarding noise in consideration of Geneva Motor's hours of operation and conditions imposed on their application UTT/13/1126/FUL.

C Highways, Accessibility and Parking (Local Plan Policies GEN1, ENV13 and GEN8);

- 10.46 Local plan policy GEN1 states "*development will only be permitted if it meets all of the following criteria;*
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.*
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*
 - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*
 - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.*
 - e) The development encourages movement by means other than driving a car."*
- 10.47 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework. The application site is located within/adjacent to the town centre. Immediately on Cambridge Road exiting the site there is a bus stop which provides good accessibility. The site is located on a brownfield site within the development limits of Stansted which has very good access to road, rail and air network. It is the most sustainable settlements within the district. The site accords with Local Plan Policy GEN2 and GEN1 in this respect.
- 10.48 A Transport Statement has been submitted in support of the application. This highlights the comparative difference between vehicle movements from the previous uses and the proposed development. This indicates that the proposed development would see a reduction of two-way vehicle movements by 10 cars and a HGV reduction of 27 vehicles. Whilst there has been an increase in proposed commercial space by approximately 444sqm there has also been a reduction of 4 dwellings, which would generally counter-balance each other. The current parking and access situation has been discussed within the statement. It has been stated within the report that "*..in terms of capacity, the site access in the form of a simple priority junction is considered appropriate for the level of vehicular movement that would be generated by the proposal site.*" ECC Highways have provided a full response to this application; please refer to Section 8.5 - 8.9 above. This has resulted in a no objection being raised subject to conditions. Within the Inspectors report he stated that "Whilst I am mindful of local concerns regarding the access onto Cambridge Road, I accept the findings of the transport assessment and the Highway Authority and am satisfied that the impact of the proposal on matters of highway safety would be acceptable." This offers betterment in highway and public safety in accordance with Local Plan Policy GEN2. Regardless of assertions that the previous use movements should not be taken into account this is a material consideration into how the site had previously lawfully operated with this scheme using the same existing access.
- 10.49 The lack of off-street car parking was an issue that was raised as part of the previous reason for refusal and the resultant on-street parking effect. It has been outlined

within the Inspector's decision that the dwellings meeting the parking standards was acceptable particularly due to the fact that the site is located within a sustainable location with good transport links. (Please refer to paragraph 20, Appendix 4).

- 10.50 In terms of car parking standards the Essex Parking Standards (2009) seeks for 1 car parking space for up to 2 bedroom units, 2 car parking spaces for 3 bedroom units and the Uttlesford Local Parking Standards (March 2013) seeks 3 car parking spaces for 4 plus bedroom dwellings, with a visitors parking provision of 0.25 spaces per dwelling. As indicated in the table in Section 3.9 the dwellings car parking provision accords with the adopted Parking Standards above, in accordance with Policy GEN2 and GEN8 of the Uttlesford Local Plan.
- 10.51 For the commercial units 1 space per 20sqm of Class A1 and A2 floorspace is required (this equates to 6 car parking spaces) and for Class B1 office use 1 space per 30sqm is required (this equates to 24 spaces) all maximum provisions, equating to a requirement of 30 car parking spaces. The commercial units are short of 14 car parking spaces the site is located within a highly accessible and sustainable area, which has access to the neighbouring public car park. The Essex Parking Standards states that "a lower parking provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities". Again, it should be emphasised that the same approach has been taken with other sites. Whilst there is still a shortfall in commercial parking spaces since the previous application there is now a dedicated car parking spaces and an area with turning facility, addressing previous concerns. In considering the above and considering the difference in operation in terms of parking demands between the residential and commercial elements the scheme is considered acceptable and in accordance with Policy. Pedestrian access to the adjacent car park would be maintained as part of this application providing further parking opportunity. Again the Highways Authority raised no objection subject to conditions.

D Contaminated land issues, Flood risk issues, Impact on biodiversity (Local Plan Policy ENV14, GEN3 and GEN7);

- 10.52 The contamination report that has been submitted as part of the application submission, this concluded that there is potential ground contamination that would be required to be remediated. Should planning permission be granted a condition would be required to be imposed addressing this aspect, in accordance with Local Plan Policies ENV14 and GEN2, and the NPPF. No objection has been raised by Environmental Health subject to the above condition.
- 10.53 Due to the size of the application site and the fact that the site also falls within Flood Risk Zone 1 no flood assessment is required. This is in accordance with Local Plan Policy GEN3 and the NPPF.
- 10.54 An updated Ecological Survey has been submitted as part of the application submission. No concerns have been raised subject to mitigation and enhancement measures. The proposed development is not considered to detrimentally impact upon protected wildlife and the resultant scheme could improve the opportunities for encouraging wildlife, as outlined within the previous report. No objection has been raised by ECC Ecology subject to conditions. This accords with Local Plan Policy GEN7, and the NPPF's regarding sustainability of developments.
- 10.55 No objection has been raised by the Council's Landscape Officer either. The scheme is therefore considered to accord with Local Plan Policies GEN7 and GEN2, subject to conditions being imposed relating to protective fencing and details of landscaping

should planning permission be granted.

E Other material considerations;

- 10.56 As the development has been reduced down to 10 residential units there is now no education requirement.
- 10.57 At the time this application was submitted the affordable housing required was affordable housing was required for more than 10 units or if the floorspace is 1000sqm or above. As policy has evolved since the submission of the application the application has to be assessed against the policy requirements at the time of submission. The total residential floorspace proposed equates to 978sqm and as a result no affordable housing is now required.
- 10.58 The scheme therefore accords with both National and Local Plan Policy H10, and GEN2.

11. CONCLUSION

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

- A The site is a brownfield site by definition located within the development limits, with limited main road frontage. The application provides for a mixed use development to ensure that the development is viable in order to enable the maximum provision of employment uses. It has been strongly emphasised both within the application submission and the independent assessment carried out by Carter Jonas on behalf of the UDC that this can only be provided through such as mixed use scheme which contains residential.

The Carter Jonas report has stated that it is unlikely that employment will come forward on its own due to the lack of viability, the lack of demand in the market and the site not being considered in a suitable location (Please refer to paragraphs 6.6.2, 6.6.4 and 6.6.5 above). This is plainly evident by the pure nature of the historical applications on this site.

The site is identified for residential purposes both in the Stansted Mountfitchet Community Plan (2011), and the Uttlesford District Council's Strategic Housing and Land Availability Assessment (SHLAA) The development in principle therefore accords with Local Plan Policies S1, E2, SM1, GEN1, RS1 and RS2, also the NPPF, Stansted Mountfitchet Community Plan, and the Assessments from Place Services and Carter Jonas.

It is re-iterated that the proposed application does not prevent the adjacent sites from coming forward and being developed, as has been suggested by previous representations received.

It should also be noted that the Planning Inspector did not raise concerns about the principle of the scheme.

- B The size, scale, design and siting of the proposed dwellings, retail/office unit fronting Cambridge Road and the B1 units to the southern boundary of the site is acceptable. There would be no overlooking as the dwellings have been sited respecting the required back to back distances. A balance needs to be struck between various development requirements within such a town centre location. The aspects that need to be balanced in this case is meeting the desire to have maximum employment on the

land and ensuring it is viable, meeting the needs for parking, amenity, lifetime home standards with suitable road layout, without compromising residential and visual amenity. It is considered that even with the constraints of the site the scheme accords with the desired aspirations of the site the scheme accords with local plan policies, NPPF, and the draft local plan and associated studies undertaken by Place Services and Carter Jonas, with minimal impact upon residential and visual amenity. The scheme as also been revised to address the previous applications shortcomings and the Inspectors concerns.

- C The application site is highly accessible. The proposed development would see a reduction of two-way vehicle movements which offers a significant highway and public safety benefit to the locality, in accordance with Local Plan Policy GEN2 and GEN1. Whilst a Transport Statement is not required for a scheme of this size one has been provided regardless. The Inspector has raised no concerns over the findings of the previous transport statement, and ECC Highways have also consistently raised no objection.

Both the commercial and the residential car parking facility has been now addressed, including the provision of visitors spaces and turning facility on site. The site is located within a highly sustainable area which has access to the neighbouring public car park. The Essex Parking Standards states that “*a lower parking provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities*”. The adjacent public car park has capacity to assist in providing parking, facilitated by the incorporated proposed public footpath through the site linking the two sites. The difference in operation in terms of parking demands between the residential and commercial elements means the scheme is considered acceptable and in accordance with Policy.

No objection has been raised by the Highways Authority subject to conditions.

- D No objections or issues have been raised with regards to contamination, flood risk, surface water drainage, ecology and landscaping subject to conditions.
- E Due to the reduction of the number of dwellings and when the application was submitted there is now not a requirement for either affordable housing or education contribution.

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. Prior to the erection of the development hereby approved samples of the 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. Thereafter the development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

3. No development shall take place until full details of both hard and soft landscape works have been 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) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials
- f) existing trees, hedges or other soft features to be retained
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details, including those relating to the pedestrian footpath

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 Policies GEN2, GEN3, GEN4, GEN7 and GEN 8 of the Uttlesford Local Plan (adopted 2005)

4. 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 Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

5. No development shall take place until proposed levels including cross-sections of the site and adjoining land, including details of existing levels around the building(s) hereby

permitted and any changes in level proposed, together with the proposed floor levels within the building(s), have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenities of neighbours and in order to minimise the visual impact of the development in the street scene, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

6. The building(s) hereby approved shall not be occupied until the roads and footpaths associated with the building(s), including those for the proposed pedestrian footpath between Crafton Car Park and the site, have been constructed to base course and surfaced in accordance with details which have been submitted to and agreed in writing by the local planning authority prior to the commencement of the development.

REASON: In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety, in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

7. The area set aside for car parking including garages/carports shall be laid out and surfaced, in accordance with a scheme which has been submitted to and agreed in writing by the local planning authority before the buildings hereby permitted are first occupied and shall be retained permanently thereafter for the vehicle parking of residents/occupiers and shall not be used for any other purpose.

REASON: To ensure a satisfactory standard of development in the interests of highway safety, in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).

8. Before development commences details of proposed external lighting scheme, CCTV, fencing and security measures, including those for the proposed pedestrian footpath between Crafton Car Park and the site, to reduce the potential for crime have been submitted to and approved by the Local Planning Authority.

REASON: To protect the amenities of the locality by avoiding light pollution and reducing the potential for crime related activity in accordance with Policy GEN2 of the Uttlesford Local plan (adopted 2005).

9. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of

the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect controlled waters (Secondary A Glacial sands/gravels, Secondary A Thanet Sands and Principal Aquifer Chalk), in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

10. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: The potential pollution from 500 gallons underground tank and 1000 gallon above ground tank may have caused pollution soil and controlled water which may require remediation of the contamination, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

11. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON: The site is located in Source Protection Zone 1 of our groundwater protection policy, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

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

REASON: Heterogeneity of hydrogeology and historic use contamination not identified in site investigation may be present, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

13. Notwithstanding the provisions of the Town and Country Planning (General Use Class) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the hereby permitted retail unit and Office unit shall remain in use Classes A1/A2 and B1 (a) purposes only and shall not change use class without the

prior written permission of the local planning authority.

REASON: To prevent the loss of employment and in order to safeguard the retail frontage in accordance with Policies GEN2, GEN4, E1, E2 and SM1 of the Uttlesford Local Plan (adopted 2005).

14. No development shall take place (including ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall be in accordance with the constraints identified in the SLR Consulting Ecological Report (dated April 2015) and shall include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of biodiversity protection zones;
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction period of the development hereby approved.

REASON: In the interest of the protection of wildlife and biodiversity in accordance with Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

15. 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 provided 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 Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

16. The cycle/powered two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

17. Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the

development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

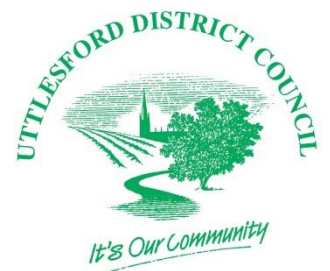
REASON: To enhance the sustainability of the development through better use of water, energy and materials, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

18. Prior to the commencement of development, a scheme for the provision and implementation of rainwater harvesting shall be submitted and agreed, in writing, with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development.

REASON: To enhance the sustainability of the development through efficient use of water resources, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

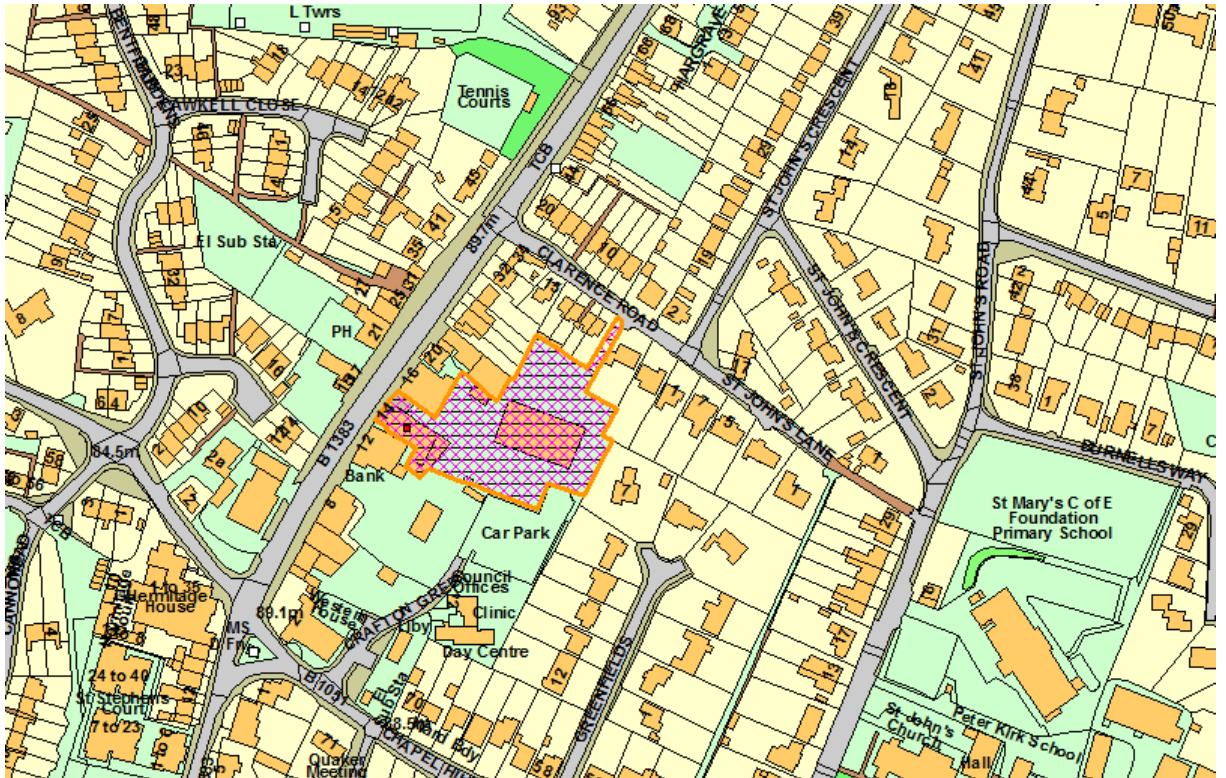
19. All of the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace.



Application number: UTT/15/1666/FUL

Location: 14 Cambridge Road Stansted



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