

**UTT/1193/12/FUL - STANSTED**

**PROPOSAL:** Demolition of existing buildings and erection of 14 No. dwellings, retail and office unit, and associated garages, car parking, landscaping and footpath

**LOCATION:** Land to r/o of 14 Cambridge Road Stansted

**APPLICANT:** Bellway Homes Ltd

**AGENT:** Strutt and Parker LLP

**GRID REFERENCE:** TL 511-251

**EXPIRY DATE:** 10.09.2012

**CASE OFFICER:** Maria Tourvas

**APPLICATION TYPE:** Major

**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). This comprises 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 are a number of two-storey and single storey units (total of 8 units).
- 2.2 The site covers a total area of approximately 0.43 hectares.
- 2.3 The site was previously used by Sworders Fine Art Auctions. However, the site is owned and run by You're Furnished and there is now 1 sub-tenants (Lan One) which lease has expired. There is a standalone building which is located adjacent to the shared boundary with 22 Cambridge Road has been previously been refurbished in 1997 (building 2). The buildings on site are predominantly dated, in a poor state of repair and require work. The application site to the north adjacent to the rear of properties fronting Clarence Road, appears to be a secluded area. This is used more as 'waste ground' rather than parking area.
- 2.4 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.
- 2.5 Fronting Cambridge, other than the single storey shop as discussed above, there is a Tesco's store, a back clinic and Co-operative food store that back onto the application site. There is also a row of semi detached single family dwellings. Half of this row of houses is Grade II Listed.

- 2.6 To the south of the application is the Crafton Green Car Park also consists of the local clinic and library.
- 2.7 The site's access is taken from Cambridge Road.

### **3. DESCRIPTION OF PROPOSAL**

- 3.1 Member's will remember this scheme being presented at the Planning Committee 30 May 2012 under UTT/0215/12/FUL. A copy of the previous committee report is attached for reference. The scheme under the previously involved the following;
- The demolition of 8no. existing employment buildings and the erection of 14no. residential dwellings.
  - Mixture of detached and semi detached two-storey properties with associated garage provision.
  - The erection of a new retail unit with office space over, two-storeys fronting Cambridge Road.
  - Associated car parking for both the residential and commercial unit and landscaping.
  - 6 x 3 bedroom units, 4x 4 bedroom units and 4 x 5 bedroom units.
  - Plot 6 is proposed to be a designated wheelchair unit, capable of being wheel chair adaptable.
  - A 5 bar timber gate is proposed along the front access of the site, setback from the main road.
- 3.2 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."
- 3.3 A revised application has now been submitted incorporating the following;
- Removal the proposed access gates;
  - Introduction of an access path between adjacent Car Park and the site;
  - The transport statement has been updated no changes in terms of vehicle numbers;
  - 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.

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

- 4.1 The following documents were previously submitted with application UTT/0215/12/FUL:

Design and Access Statement - undated  
Planning Statement - January 2012  
Transport Statement – January 2012  
Report on Impact of Existing Commercial Buildings on Plots 1 and 2 – January 2012  
Site Marketing Assessment Report – January 2012  
Geotechnical and Geo-environmental Report – March 2011  
Flood Risk Assessment – January 2012  
Utilities Statement - January 2012

Energy Statement – January 2012  
Statement of Community Engagement – 27 January 2012  
Site Waste Management Plan – 9 January 2012

- 4.2 As a result of the revisions outlined in Section 3.3 the following information has been submitted;
- Revised Planning Statement – June 2012
  - Revised Transport Statement – June 2012
  - Revised Design and Access Statement - undated
- 4.3 All three of the remaining tenants had been on short term leases and both You're Furnished and Express Framing have now moved to alternative premises in the nearby area. Both businesses moved of their own accord at the end of their lease period. Lan One Computer's vacated the site on the 26<sup>th</sup> June, following a period of being in arrears on a discounted rent.
- 4.4 In relation to Bellway Homes already marketing the proposed dwellings for sale, the sales team did refer to this development as 'coming soon' on the Bellway website. This was solely for a marketing and sales purpose, to increase interest of potential buyers in the site. There has been no opportunity for interested parties to buy any of the properties as the site was marketed solely as 'coming soon.' However it is recognised by the applicant that this should not have been undertaken with a planning application still pending and this has now been removed from the website.
- 4.5 Further supportive information has been submitted providing further evidence that the site is not suitable for continued commercial use and not suitable for modern day businesses, also regarding the number of vacant units on the market particularly those that are near the application site which include the following;
- **The Greens Building, Cambridge Road, Stansted Mountfitchet** (Approximately 524.30 sqm, last use Harwood Importer, vacated 2006);
  - **Western House, Cambridge Road, Stansted Mountfitchet** (Approximately 514.13 sqm, last use Discount Airline Ticket Agency, vacated 2007);
  - **27 Cambridge Road, Stansted Mountfitchet** (Approximately 110 sqm, last use Unknown, vacated 2009);
  - **1 Lower Street, Stansted Mountfitchet** (Approximately 50.70 sqm, last use was Paralegal, available from 2011 - Vacated 2012 – last tenant, Kelly Pipe Ltd);
  - **1 & 3 The Exchange, Station Road, Stansted Mountfitchet** (Approximately 474.98 sqm, available from 2008 - 3 The Exchange, First Floor – Let – 95.60 sqm – 2012);
  - **Numbers 25 & 28, M11 Business Link, Stansted Mountfitchet** (Approximately 1,233.46 sqm, available from 2008);
  - **Sion Park, Stansted Road, Stansted Mountfitchet** (Approximately 894.70 sqm, last use Marketing Agency, available from 2011);
  - **5 Riverside Business Park, Stoney Common Road, Stansted Mountfitchet** (Approximately 34.84 sqm, office share, available from 2011);
  - **Bentfield Place, Bentfield Road, Stansted Mountfitchet** (Approximately 32.52 sqm, last use Structural Engineers, available since 2010 - Withdrawn from the market by Landlord for own use – 2012);
  - **Office Suite, Cambridge Road, Stansted Mountfitchet** (Approximately 89.65 sqm, available since 2006);
  - **Units 8, 9, 10, 14 and 15 M11 Business Link, Stansted Mountfitchet** (In total comprising 1,989.88 sqm, New Build, all available from 2008);

- **Hilton Lotus Garage, Lower Street, Stansted Mountfitchet** (Estimated 557.50 sqm, last use Car Showroom and Workshops, available since 2010);
- **6 Greens Building, Cambridge Road, Stansted Mountfitchet** (Approximately 83.50 sqm, last use Carpet Showroom, vacated approximately Spring 2011);
- **4 Greens Building, Cambridge Road, Stansted Mountfitchet** (Approximately 116 sqm, last use Photographer, vacated approximately 2008);
- **2 Greens Building, Cambridge Road, Stansted Mountfitchet** (Approximately 71.1 sqm, last use Financial Advisers, vacated approximately 2008);
- **17 Cambridge Road, Stansted Mountfitchet** (Approximately 57.3 sqm, last use Threshers Off Licence , vacated 2010);
- **10 Chapel Hill, Stansted Mountfitchet** (Approximately 127.88 sqm, current use Scuba Diving Equipment Sales, available since 2010 - Current under offer on a sale basis – the sale is subject to the purchaser achieving planning permission for residential at first floor);
- **30 Lower Street, Stansted Mountfitchet** (Approximately 127.98 sqm, current use Italian Restaurant, available since 2009 - The former tenant has assigned the lease to a French Restaurant operator – 2012);
- **3 Colts, Cambridge Road, Stansted Mountfitchet** (Unknown. Estimated at 100 sqm, last use Public House, vacated 2009);
- **The Queens Head, Lower Street, Stansted Mountfitchet** (Unknown. Estimated at 215 sqm, Public House, available from 2011)

- 4.6 The application site falls below the thresholds identified within Local Plan Policy E2 and therefore the site is not a key employment site. Due to the state of repair of the buildings, competition from a number of other vacant modern offices (as listed above) that offer more suitable accommodation and without major investment in the site there is little prospect for the site.
- 4.7 The inclusion of the footpath now forms part of the application following requests and pre-application discussions with the Architectural Liaison Officer. By incorporating the footpath Secure by Design measures such as a straight path, width of 1.5m, windows overlooking footpath, lighting columns either end and railing used for defensible space at plots 9 and 10. Other aspects required by the Architectural Liaison Officer such as restrictive gates and repositioning of CCTV cameras can be conditioned. Also, the vehicular entrance gates have been removed increasing permeability and opening up the site. Bollards are proposed at the entrance to prevent entrance parking.
- 4.8 It is proposed that the footpath together with the road/public areas will be maintained and managed by a management company.
- 4.9 The proposed amendments and the proposed use of the site accords with the Stansted Mountfitchet Community Plan.
- 4.10 With regards to the grounds of overdevelopment the Essex Design Guide states that most developments should be designed with a density of between 30-50 dwellings per hectare, with higher densities above 50 dwellings per hectare only appropriate in more compact urban environments. The proposed development including the proposed retail/office element amounts to a density of 35.7 dph which is within the parameters set out in the Essex Design Guide and Urban Place Supplement. The density is towards the lower scale and there it is not considered to be overdevelopment. The proposed dwellings meet back to back distance of 25m and have ample amenity space. Due to the proposed nature of the use the proposed development would not cause any undue noise, disturbance or pollution. The

proposed retail/office use is an appropriate use an appropriate location.

#### 4.11 **Consultation and Community Involvement**

A Statement of Public Consultation had been undertaken and submitted as part of the previous application.

### 5. **RELEVANT HISTORY**

- 5.1 UTT/111/75 - Erection of warehouse, packing case store and garage – Refused July 1975
- 5.2 UTT/206/76 – Linked corridor, showroom – warehouse to existing showrooms – Granted April 1976
- 5.3 UTT/453/76 – Erection of warehouse and garage - Granted July 1976
- 5.4 UTT/1446/95 – Change of use from Class A1 to auction rooms – Granted April 1996
- 5.5 UTT/0215/12/FUL - Demolition of existing buildings and erection of 14 No. dwellings, retail and office unit, including associated garages, car parking and landscaping – Refused 1 June 2012

### 6. **POLICIES**

#### 6.1 **National Policies**

National Planning Policy Framework

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

Policy SS1 - Achieving Sustainable Development  
Policy SS2 – Overall Spatial Strategy  
Policy SS4 - Towns Other than Key Centres and Rural Areas  
Policy E1 – Job Growth  
Policy E2 – Provision of Land for Employment  
Policy E3 – Strategic Employment Sites  
Policy E5 – Regional Structure of Town Centres  
Policy T1 – Regional Transport Strategy Objectives and Outcomes  
Policy T2 – Changing Travel Behaviour  
Policy T3 – Managing Traffic Demand-  
Policy T4 - Urban Transport  
Policy T7 - Transport within Rural Areas  
Policy T8 – Local Roads  
Policy T13 - Public transport accessibility  
Policy ENV1 – Green Infrastructure  
Policy ENV3 – Biodiversity and Earth Heritage  
Policy ENV7 - Quality in the Built Environment  
Policy ENG1 - Carbon Dioxide Emissions and Energy Performance  
Policy WAT4 - Flood Risk Management

#### 6.3 **Essex Replacement Structure Plan 2001**

No policies relevant.

#### 6.4 **Uttlesford District Local Plan 2005**

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

6.5 **Public Participation on Development Plan Document, Consultation on Proposals for Draft Local Plan, June 2012**

Stansted Mountfitchet Policy 2 - 14-28 Cambridge Road

6.6 **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).

7. **CONSULTATIONS**

7.1 Previous consultation comments can be seen in Section 7 of the initial committee report, see attached.

7.2 **Environmental Health:** The geo-environmental report submitted indicates that contamination potentially harmful to human health is present on the site therefore a contamination condition is required. Also a condition requiring demolition and construction work shall be carried out in accordance with the Uttlesford Code of Development Practice.

7.3 **Thames Water:** It is the responsibility of the developer to ensure proper provision for drainage. With regards to surface water recommended that storm flows are attenuated or regulated into public network through on or off site storage. Connection to public sewer site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for removal of ground water. Developer to gain consent regarding discharge prior to connection to public sewers.

7.4 **Veolia:** Site is within an area defined as a Ground Water Protection Zone and require informative regarding construction work to be undertaken in accordance with British Standards. As work could exacerbate pollution.

7.5 **Architectural Liaison Officer:** Essex Police do not object but would raise the issues of security and safety relating to buildings and the footpath.

We would seek that the development achieves Secured by Design certification and in order to maintain safety reduce the fear of crime and anti-social behaviour for those using the footpath link.

We would recommend street lighting be extended along or at each end of the footpath.

1.5 railings are installed across the opening allowing for only pedestrians and wheelchair users to have access.

Width restrictors or a kissing type gate to prevent motor cyclist from using this route as a rat run.

The fence would deter and prevent desire lines being caused across front gardens of properties facing the footpath.

The local authority has a CCTV camera in the car park this could be repositioned to cover the footpath entry point from the car park as well as a section of car park or an additional camera be installed.

7.6 **Highways:** No objection subject to the following conditions regarding preventing surface water discharging onto highway, vehicle parking to be provided prior to occupation, construction traffic, travel information and marketing scheme and informative regarding the works.

7.7 **Environment Agency:** No objections subject to conditions relating to contamination, remediation, no infiltration of surface water drainage, if contamination not previously identified is not found and informative relating to surface water drainage, foul water disposal, water efficiency, energy and resource efficiency and waste management.

7.8 **Education:** The development would generate a need for a contribution towards primary level for £45,637. A contribution towards the provision for early years, and childcare is no longer required due to the need now being met.

Consultation Expiry 4 July 2012

## 8. PARISH/TOWN COUNCIL COMMENTS

8.1 Reference is made to this Council's comments on the previous application submitted by Bellway Homes, ref UTT/0215/12/FUL. We note that the applicant has removed the gates from the entrance to the proposed development, and has included a pedestrian link through to the Crafton Green car park – that is progress.

8.2 However, the issue of the loss of a commercial/employment site from the centre of our village still remains and, if this consent is granted, the land will be lost to residential and is highly unlikely ever to revert to commercial/employment. Now that we have the numbers being proposed for Stansted under the LDF, this Council is actively working on a masterplan for the centre of our village to ensure its vitality and economic

viability into the long term. (Advice from the Rural Community Council for Essex was that we could not progress such a plan until the proposed numbers were published). As this is one of the three sites proposed for residential development under the LDF, it seems to us to be premature to determine the application prior to the results of the consultation being known.

- 8.3 We hope that members of the Uttlesford Planning Committee will stick to their policies – as they did with a similar change of use application in Clavering (UTT/2149/11/OP) and refuse the application for the same reasons they stated on the decision notice for 0215/12/FUL as being contrary to planning policies GEN2, GEN4 and E2.

## **9. REPRESENTATIONS**

- 9.1 The neighbouring properties have been notified of the planning application and the application has been advertised on site and in the local press. To date 12 representations (2 support and 6 objections) have been received following consultation on this current application. Notification period expired 12 July 2012.

The responses have been received raise the following points;

- Pleased to see inclusion of footpath linking car park with Cambridge Road;
- Site is inappropriate for housing due to poor access and loss of retail;
- Site should be used for a new GP surgery, sealing off Cambridge Road access and using the car park access;
- Change of use to residential would block any retail and commercial development within a traditional High Street resulting in a long term effect on Stansted;
- Stansted has the largest housing growth, commercial growth has been reduced;
- National Government Policy encourages localism;
- Regeneration of site should be encouraged;
- Many supermarkets are reinvesting into High Streets and Stansted is under sourced;
- Recession will end and will need local amenities;
- Need to retain commercial;
- Access is unacceptable onto Cambridge Road;
- Object to change from commercial to residential;
- Too many employment sites lost in Stansted Mountfitchet;
- Communities should be balanced and sustainable;
- Increasing reliance on other employment sites is not sustainable;
- This application would encourage other sites to be lost;
- Should not allow changes of use and business would not find it difficult to find premises;
- Already refused planning permission, now notice has been given to tenants to move out and claim site is not being used;
- Why when planning permission has not been granted have they got the properties up for sale?
- If as stated within the Transport Statement June 2012 that the footpath will be provided to the car park and it is a non-gated settlement then my objections are withdrawn;
- Previous refusal should be upheld;
- Site can be used to serve Co-op and Tesco and retain other employment used;
- Previous comments stand, substantial loss of commercial use and condition for buildings is irrelevant to the application;
- Now support application compared to last scheme under UTT/0215/12/FUL as it resolves a number of reasons for initial objections (introduction of footpath and



omission of access gates);

- Survey submitted dated 29/6/2012, indicates a number of vacant office and small business units within a few 100m of site vacant for many years. These include Western House, Greens Buildings, Threshes shop and the office above, Orion Heating is an office and to the rear a small commercial building, The Three Colts. Due to this it is not considered appropriate to continue to considered the application site for commercial use;
- Ask for conditional approval subject to ECC Highways implementing greater restrictions to roadside car parking along Cambridge Road near vicinity of proposed development to allow easier entering into and out of site;
- Vacating occupants site to make it appear vacant;
- This part of Stansted can sustain enterprises of various sorts not just retail;
- Such site is needed for employment;
- Want to use businesses that are located within the village;
- Overdevelopment;
- Increase in traffic on road;
- Should be refused on loss of employment and land;
- Shops and local services are needed for growing population;
- Great need of health or community centre;
- Fails to address previous grounds of refusal;
- Scheme would prevent any further retail or industrial growth

9.2 Individual representations have been received from 4 Parish Councillors and 2 District Councillors raising the following points;

- New application does not address reasons for refusal loss of employment and over development;
- Loss of employment land will undermine the commercial viability and vitality of the business and retail centre of Stansted Mountfitchet;
- Stansted has a growing community of 700 homes at Forest Hall Park;
- Need more land for services to create balance;
- Developing a master plan for the area;
- Premises are not vacant as landowner made them constructively vacant;
- Claim that there is employment land and vacant shops elsewhere is irrelevant;
- Site is the in the heart of Stansted;
- Occupation of the list vacant properties submitted would not help the vitality of Stansted;
- Once site is lost it would not be regained;
- Acknowledged that the buildings are run down and will need to be re-built and mixed use would be acceptable;
- Lack of small houses or affordable housing;
- Premature application in relation to the status of the LDF;
- Site is not suitable for additional 14 vehicles;
- Centre needs to promote more businesses and local employment;
- Highway issues in area and scheme would add to this;
- Different definition of employment policy in relation to application UTT/2149/11/OP at Clavering;
- Questioned openness and transparency of site selection under the LDF and bias treatment of site to be changed to residential.

9.3 **Comments on Representations:**

The proposed scheme would not result in a loss of retail as the lawful use of the site is Class B2 General Industrial. The proposed unit to the fronting Cambridge Road

provides a retail unit with additional office space above;

- 9.4 The proposed residential would not have high street road frontage;
- 9.5 The proposal would regenerate a run down site;
- 9.6 Each application is assessed on its merits and to prevent changes of use would be unreasonable and unjustifiable;
- 9.7 Sites put forward for site selection as part of the LDF is a separate process. The determination of the application can not be delayed because of the status of the LDF. Due to the status of the LDF limited weight is given to this and the main policy weight is that under the current 2005 adopted local plan.
- 9.8 Access into the site is existing, see main report;
- 9.9 The conditions of the buildings are a material consideration together with the viability of the site, together with current market need;
- 9.10 The use of the application site for the purposes of GP Surgery, servicing the existing supermarkets etc is not what is being proposed.

## 10. APPRAISAL

- 10.1 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, demolition and the justification relating to the loss off employment site (Local Plan Policy S1, RS Policy SS1);**
  - (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 GEN8, RS1);**
  - (D) **Contaminated land issues, Flood risk issues, Impact on biodiversity (Local Plan Policy ENV14, GEN3 and GEN7, RSS Policies ENV1 and ENV3);**
  - (E) **Other material considerations:**
  
- (A) **Whether there is a material change or further information to overcome the previous grounds of refusal, principle of development, demolition and the justification relating to the loss of employment site**
- 10.2 The site is within the Development Limit of Stansted on previously developed land where in principle development is acceptable, subject to compliance with other polices of the Local Plan.
- 10.3 The NPPF still 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.”*

- 10.4 Since the writing of the previous committee report the draft LDF has been further developed in terms of draft policies and it is currently under going its' second round of consultation. This document holds some weight and it is a material consideration. The Strategic Policies and Development Management Policies forming part of the LDF has a draft policy relating to the application site which states the following;
- “ The land at rear of 14-28 Cambridge Road is allocated for a minimum of 11 residential dwellings. The following criteria must be met:
- The development provides for a mixed and balanced community;
  - It provides for a footpath link between Cambridge Road and Crafton Green Car Park;
  - The development is designed to mitigate adverse effects upon existing residential and community interests and may be required, by legal agreement, to provide or contribute towards wider and longer term planning benefits reasonably associated with the alleviation of any such impact.....”
- 10.5 The proposed development including its revised elements accords with this draft policy.
- 10.6 The Council's Strategic Housing Land Availability Assessment has identified this site as suitable, available and achievable for housing.
- 10.7 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.
- 10.8 It has been identified within the application submissions that 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). It has been stated within the applications submission regarding the Local Planning Authorities duty to have a 5 year land supply and that there is currently not that supply of delivery sites that needs to be provided (Section 6.12 of the Planning Statement, January 2012).
- 10.9 The site is not an identified safeguarded site 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 site 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 outlined 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
- 10.10 With regards to the loss of employment whilst the site is not completely abandoned, it has been emphasised 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. 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 which in turn results in congestion around the sites entrance. Should the application site be used to its full lawful capacity it is capable of being both a residential amenity and a highway safety issue.

- 10.11 The status of the tenancy on site has been addressed within Section 2.3 and 4.3.
- 10.12 There will not be a total loss of commercial use from the site as the application seeks the redevelopment and provision of a two-storey retail unit with office over which will contribute towards the local economy and maintaining the main roads retail frontage and service provision.
- 10.13 It has been demonstrated through a previous Site Marketing Assessment Report submitted with the original application 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 have been recorded dated 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.
- 10.14 The marketing of the site has been previously outlined in the initial committee report for UTT/0215/12/FUL and that there have been no offers as a result of the marketing. This also outlined the number of other commercial units within a 15 mile radius centred on Stansted. The applicant's marketing report outlined that there are 705 buildings/ units/ suites available in this area, which breaks down to 492 Class B1 (Office business use), 138 Class B2/B8 (industrial/warehousing) and 75 units within retail (Class A1-A5). Out of this the number of mixed commercial units available within Stansted at the time of submitting the application was 20 units. Beyond the village approximately 3,000sqm of office accommodation and 2,000 sqm of B1, B2 and B8 units around the airport and Bishop's Stortford. It has been stated that 70% of the above floor space has been available for more than 24 months.
- 10.15 This revised application has been accompanied by an additional updated marketing report which has been carried out by Mullucks Wells, June 2012. This states that the number of vacant units within a 15 mile radius has increased since January 2012 from 709 to 790 units, however the size of the vacant stock has reduced indicating that there are more smaller units available on the market.
- 10.16 The updated report outlined that the number of vacant smaller B1 office units has increased since January from 492 to 664 units. It has been stated that the number of vacant Industrial/warehouse buildings (Class B2/B8) have reduced from 138 to 99 however more square footage is available. This suggests that larger units are available. It is also stated that the number of vacant retail units has decreased since January from 75 to 27 units. However, the amount of space available is stated not to have decreased proportionately.
- 10.17 It is emphasised within the report patterns of existing tenants, particularly in Lower Street, that there are strong intentions to downsize and relocate in the near future. It re-affirms that prospective tenants are increasingly less likely to take properties that require upfront or long term maintenance expenditure.
- 10.18 Appendix A of the Mullucks Wells report indicates the vacancy situation with properties in the close vicinity of the application site. These are listed in Section 4.5 above.

- 10.19 From the justification submitted as part of the application it has been very clearly demonstrated that;
- The site has been actively marketed,
  - That there is a saturation of other commercial units on the market, including within the immediate locality,
  - That there is no demand and that the site is in a suitable location in terms of constraints,
  - The existing buildings are beyond viable economic repair;
- 10.20 In consideration of the above and previously submitted information, it has been demonstrated beyond reasonable expectations that there is no demand for this site for business use and that there is more than adequate units on the market to cater for any future change in market demand. The proposed use will continue to generate local jobs through the redevelopment of the protected retail frontage, as the proposed new retail/office unit is capable of creating a similar number of jobs to that number which was employed on site. The site is a brownfield site by definition located within the village development limits, with limited main road frontage. The site is identified for residential purposes both in the Stansted Mountfitchet Community Plan (2011), the Uttlesford District Council's Strategic Housing and Land Availability Assessment (SHLAA) and the Draft Local Plan (June 2012). The development therefore accords with Local Plan Policies S1, E2, SM1, RS1 and RS2, RS Policies SS1, E1 and E2 also the NPPF, Stansted Mountfitchet Community Plan, and the Draft Local Plan. The scheme fundamentally meets and overcomes the previous grounds of refusal in this respect.
- 10.21 Policy H3 relating to new houses within development limits states that like in Policies S1 and S3 development would be permitted if compatible with its surroundings and it meets the following criteria, inter-alia;
- a) The site comprises previously developed land;
  - b) Accessible;
  - c) Existing infrastructure has capacity to cope with proposed development;
  - d) Development would support local services and facilities;
  - e) Site is not a key employment site and
  - f) Avoiding development which makes inefficient use of land
- 10.22 Policy H4 for backland development states that "development of a parcel of land that does not have road frontage will be permitted, **if all** the following criteria are met;
- a) There is a significant under-use of land and development;
  - b) There would be no material over looking or overshadowing of nearby properties;
  - c) Development would not have an overbearing effect on neighbouring properties; also
  - d) Access would not cause disturbance to nearby properties.
- 10.23 In terms of the amenity aspect this will be discussed below. With regards as to whether the scheme would be compatible with the character of the settlement area and countryside, the scheme would replace unsightly underused buildings within Development Limits of the Village, the proposed development would make more efficient use of a currently underutilised site within a brownfield locality.

- 10.24 The density of the proposed development would reflect that of national policy and the Essex Design Guide at 35.7dph, therefore would be compatible with the surrounding area and is not considered to be an overdevelopment of the site, in accordance 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).
- 10.25 The principle of demolition it has been previously discussed and considered to be acceptable subject to conditions should planning permission be granted, in accordance with Local Plan Policies GEN2 and GEN4.
- (B) Scale, layout, design, amenity and sustainable construction issues**
- 10.26 In line with the previous committee report there where no issues relating to the size, scale, design and siting of the proposed dwellings and retail/office unit. 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) and east (fronting Greenfields) to the rear elevations of the proposed units, as outlined within the Essex Design Guide. The dormer windows, which are proposed namely on Plots 4, 5, 7, 8, 9 and 13, face inwards of the site to prevent a dominating, obtrusive appearance and overlooking.
- 10.27 The proposed level of amenity space is considered to be adequate, usable and acceptable in accordance with local plan policy as reflected within the proposed low density levels.
- 10.28 There is a variety of size, scale and designs surrounding the proposal. The proposed heights of the units would vary from 8m to 10.4m and the office retail space being 7m due to 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.
- 10.29 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. The houses general designs are standard in nature and would not be dissimilar to other properties within the District. This is acceptable and considered to accord with Local Plan Policy GEN2.
- 10.30 As a result of previous concerns that have been raised the previously proposed timber 5 bar gate has been omitted from the scheme and an access footpath from the Crafton Green Car Park is now being proposed subject to secure by design measures required by the Architectural Liaison Officer as outlined above.
- 10.31 Due to the orientation of the proposed dwellings no impact is considered upon the setting of the listed buildings in accordance with Local Plan Policy ENV2.
- 10.32 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 6 x 3 bedroom units, 4x 4 bedroom units and 4 x 5 bedroom units. This would provide a balance in the size of the family size units including meeting the need for 3 bedroom units, in accordance with Local Plan Policy H10 and the Community Plan. 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. National guidance seeks that affordable housing is only provided in the form of a commuted sum for 15 – 24 units, 25 units or more affordable housing would need to be provided on site. There is no policy need or requirement for affordable housing. The scheme therefore accords with both national and Local Plan Policy H10, and GEN2.

- 10.33 The proposed retail unit has been designed to provide both retail 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. The design is considered to be proportionate and in keeping with its surroundings. These accords with Local Plan Policy GEN2, RSS Policy ENV7 and NPPF.
- 10.34 Local Plan Policies GEN1 and ENV15 relating to renewable energy and the Council's Supplementary Planning Document "Energy Efficiency and Renewable Energy", RS Policies ENV1, ENV7 and ENG1 inline with NPPF seeks for sustainable development both in terms of reducing carbon footprint, promoting the use of renewable energy and locating development within accessible locations that can be served by other means of transport. Should planning permission be granted a condition requiring the retail/office unit achieving BREEAM 'Very Good' rating should be imposed in accordance with Local Plan policy.

**(C) Highways, Accessibility and Parking**

- 10.35 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."*
- 10.36 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework. This is also reflected within regional Policies SS1, T1, T2, T13 and ENV1 of the RS.
- 10.37 It is stated within the initial Transport Statement that the proposed development would result in a decrease in of 238 two way traffic by vehicle trips and by 99 two way operational goods vehicle trips. The above being the lawful number of vehicles that were going/capable of going in and out of the site based on its lawful use as an employment based site. Considering this together with the sites sustainable locality to the road network, bus stops and railway station the scheme is considered to be an improvement to how the site could operate if it continued in employment use. This is considered to be particularly the case considering the evolved high road concerns surrounding on-street parking and servicing of the two food stores. The proposed scheme would reduce the current risk and potential highway safety concern if the site continues to operate for employment purposes. This is still considered the case and this has been supported by an amended Transport Statement which has taken into account the omission of the timber gates to the frontage of the site.

- 10.38 ULP Policy GEN8 requires the parking provision to be in accordance with current adopted standards. ECC Parking Standards September 2009 -2 spaces per dwelling (minimum) and 1 space per 30sqm for Class B1 and 1 space per 20 sqm for Class A1 (maximum). This equates to the requirement of 28 car parking spaces for the residential properties and 6 spaces for the proposed commercial units. The proposed scheme accordance with the parking standards in accordance with Policy GEN8 and ECC Parking Standards September 2009. No objection has been raised the Highway Authority regarding the proposed development subject to conditions should planning permission be granted.
- 10.39 ULP Policy RS1 requires all retail developments to ensure that they are accessible to all in order to ensure social inclusion. It has been stated within the application submission that the scheme would be DDA compliant and accord with Part M of the Building Regulations. This is in accordance with sections (c) and (d) of Local Plan Policy GEN1. Similarly the proposed dwellings will be to 'Lifetime Homes' standards with Plot 6 being specified as designated wheelchair housing. This accords with Local Plan Policy GEN1, GEN2 and SPD Accessible Homes and Play space and the golden thread of sustainability engrained within the NPPF.
- 10.40 In terms of accessibility the application site is located within/adjacent to the town centre. Immediately on Cambridge Road exiting the site there is a bus stop which would provide good accessibility, in accordance with Local Plan Policy GEN2.

**(D) Contaminated land issues, Flood risk issues, Impact on biodiversity**

- 10.41 The contamination report that has been submitted as part of the application submission concluded that there is evidence of localised ground contamination. It is stated that there were historical tanker storage on site for fuel in the garages whilst they have been removed it is likely that this area would be required to be remediated to the northwest corner of the site. 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, RS Policy ENV7 and the NPPF.
- 10.42 It has been confirmed that there would be sufficient capacity to accommodate the foul discharge from the site. Overall the proposed development would not significantly increase the risk of flooding or increase the risk to others.
- 10.43 The Council's Drainage Engineer raised no object to the application subject to a condition being imposed relating to the seeking detail on sustainable drainage scheme together with a condition investigating exceedence flows if the storage provided is exceeded. This would accord with Local Plan Policies GEN3 and GEN2, also RS Policies WAT4 and ENV7, and the NPPF. This accords with Environment Agency which raised no objections subject to conditions.
- 10.44 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. This accords with Local Plan Policy GEN7, Policies ENV1 and ENV3 of the RSS and the NPPF's regarding sustainability of developments.
- 10.45 No objection has been raised by the Council's Landscape Officer. 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.

**(G) Other material consideration**

- 10.46 Another material change since the granting of planning permission is the adoption of National Planning Policy Framework (March 2012). Amongst other things, this seeks a presumption in favour of sustainable development unless material considerations indicate otherwise. Also development proposals that accord with the development plan without delay. It goes onto seek high quality design and good standard of amenity for all existing and future occupants of land and buildings, promoting viability of urban areas, promoting use of brownfield land. The proposed development accords with the National Planning Policy Framework
- 10.47 The development would generate a need for a contribution towards primary level and the Essex County Council Educational Services have requested a contribution of £45,637. This has been addressed through a proposed Unilateral Undertaking.

**11. CONCLUSIONS:**

- 11.1 It has been further evidenced and demonstrated that the site has been actively marketed, that there is a saturation of other commercial units on the market, that there is no demand and that the site is in a suitable location in terms of constraints, also the existing buildings are beyond viable economic repair. The site is not a safeguarded employment site. In consideration of the above there is no demonstrated strong economic need for the retention of this site for continued employment purposes. It is concluded that there is no demand for this site for business use and the proposed use will continue to generate local jobs through the redevelopment of the frontage. The development therefore accords with Local Plan Policies S1, E2 and SM1, Nation Plan Policy Framework, also this is in accordance with the Stansted Mountfitchet Community Plan and the Draft Local Plan (June 2012).
- 11.2 The proposed design of the scheme is acceptable. The proposed density levels accordance with Essex Design Guide at low level of 35.7 dph. The proposed scheme meets adequately the policy requirements for amenity space, back to back distances and parking and therefore can not be considered to be an overdevelopment of the site. The proposed design is considered to make efficient use of the site and that there is no reasonable requirement for more residential units on site whereby there is a requirement affordable housing. The setting of the existing adjacent listed buildings would be preserved. No detrimental impact is considered upon the residential or visual amenities of the existing neighbouring residential occupiers. This is in accordance with Local Plan Policies GEN2 and GEN4, and ENV15 The Essex Design Guide and RS Policies SS1, ENV1, ENV7 ENG1 and ENV7 of the Local Plan, and, also the Council's Supplementary Planning Document "Energy Efficiency and Renewable Energy..
- 11.3 The proposed development would result in a net decrease in of 238 two way traffic by vehicle trips and by 99 two way operational goods vehicle trips. The above being the lawful number of vehicles that were going/capable of going in and out of the site based on its lawful use as an employment based site. Together with the sites sustainable locality to the road network, bus stops and railway station the scheme is considered to be an improvement to how the site could operate if it continued in employment use. The proposed scheme would reduce the current risk and potential highway safety concern if the site continues to operate for employment purposes. No objection has been raised by the Highways Authority subject to conditions. This accords with Local Plan Policy GEN1, Policies SS1, T1, T2, T13 and ENV1 of the RS and the NPPF.

- 11.4 The proposed car parking provision is acceptable and accords with Local Plan Policy GEN8 and the Essex Parking Standards (2009). No objection has been raised by the Highway Authority, subject to conditions.
- 11.5 The proposed development would be DDA compliant, designed to Lifetime Homes standards, and there would be a designated wheelchair accessible unit. This accords with Local Plan Policy GEN1, GEN2 and SPD Accessible Homes and Play space.
- 11.6 The proposed public footpath and associated security measures proposed would facilitate in the possibility of crime prevention, as discussed above, the scheme accords with Local Plan Policy GEN2 by helping to reduce the potential for crime.
- 11.7 Contamination, drainage, impact upon wildlife and landscaping is considered to be acceptable. Should planning permission be granted a condition would be required to be imposed addressing this aspect, in accordance with Local Plan Policies ENV14, GEN7, GEN3 and GEN2, RS Policy ENV1, ENV3, ENV7, WAT4 and ENV7, and the NPPF, also comments received from the Environment Agency.
- 11.8 The proposed scheme overcomes the previous grounds for refusal as outlined in Section 3.2 and accords with policy.

**RECOMMENDATION – CONDITIONAL APPROVAL and subject to a Unilateral Undertaking regarding the provision of Education monies towards the provision of early child care and primary care for a sum of £45,637 is proposed.**

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

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

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

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

3. Prior to the erection of the development hereby approved (not including footings and foundations and demolition) 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. 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).

4. No development shall take place (excluding demolition) 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)

5. 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).

6. The Retail/Office unit hereby permitted as designed, specified and built shall achieve the equivalent of a BREEAM 'very good' rating, namely the building emissions rate (BER) achieved shall be at least 25% lower than the target emissions rate (TER) as calculated by the Building Regulations 2006 Part L2A SBEM methodology, and will incorporate other water saving and environmental features agreed with the planning authority.

The applicant will provide the planning authority with a design SBEM rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as details of water saving and other environmental features. Within four weeks following its completion, the applicant will provide a SBEM rating of the as-built building and details of water saving and other environmental features incorporated.

REASON: In the interests of the promotion of sustainable forms of development and construction and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.

7. No development (excluding demolition) 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).

8. If at any time during the course of construction of the development hereby approved, a species of animal or plant (which include bats and great crested newt) that is protected under the Conservation (Natural Habitats &c Regulations 1994) is discovered, all construction or other site work shall cease until a licence to disturb any protected species has been granted by Natural England.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern.

*Protected species' are those species of plants and animals that are afforded legal protection, for example under the European Union Birds Directive and Habitats Directive (these "European Protected Species" are the highest priority for protection), or under Schedules 1, 5 and 8 of the Wildlife & Countryside Act 1981 (as amended), and the Protection of Badgers Act 1992. Developments which compromise the protection afforded European Protected Species will almost invariably require a licence from Natural England . This applies to Bats (all species) Great Crested Newt, Otter, and Dormouse.*

9. The building(s) hereby approved shall not be occupied until the roads and footpaths associated with the building(s) 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).

10. Before the commencement of the development (excluding demolition) hereby approved, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the local planning authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse

storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.

REASON: To meet the District Council requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

11. No development (except for demolition) shall commence until vehicular parking for site operatives (including provision for delivery and storage of materials) clear of the highway has been provided within the application site in accordance with details to be submitted to and approved in writing by the local planning authority prior to the commencement of the development, and such provision shall be retained and kept available for this purpose during construction of the development.

REASON: In order to prevent indiscriminate parking in the interests of highway safety and residential amenity, in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).

12. The area set aside for car parking 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).

13. No development (including demolition) shall commence until wheel cleaning apparatus has been provided within the application site in accordance with details to be submitted to and approved in writing by the local planning authority prior to the commencement of the development, and which shall be operated and maintained as approved during construction of the development hereby approved.

REASON: In order to ensure that the wheels of the vehicles are cleaned before leaving the site in the interests of highway safety, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

14. The first six metres of any private access way as measured from the proposed highway boundary, shall be treated with a bound surface dressing to be submitted to and approved in writing by the local planning authority before commencement of development and thereafter implemented in accordance with those approved details and retained in that form.

REASON: To prevent the tracking out of materials onto the highway in the interests of highway safety, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

15. Before the commencement of the development (excluding demolition) hereby permitted, an accessibility statement/drawing shall be submitted to and approved in writing by the local planning authority. The details submitted shall set out measures to ensure that the buildings are accessible to all sectors of the community. The dwellings shall be designed as 'Lifetime Homes' and with one Plot to be designed to

be capable of being adapted for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.

REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005.

16. Before development commences (excluding demolition) 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).

17. Before development commences details of a Waste Management Plan (including the management of demolition waste) shall be submitted to and approved by the Local Planning Authority and thereafter implement in accordance with the approved details.

REASON: To protect the amenities of the locality and surrounding residential occupiers preventing pollution, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

18. No development hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the former Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site and the measures taken to prevent pollution of the receiving groundwater and/o surface waters;
- ii. Include a timetable for its implementation; and
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To control the risk of flooding to the development and adjoining land in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and NPPF.

19. No development (excluding demolition) shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system, incorporating details investigating exceedence flows if the storage provided is exceeded shall be submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

REASON: To ensure suitable drainage for the development in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

20. The development hereby permitted shall be implemented in accordance with the ecological scheme of mitigation/enhancement submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and NPPF.

21. If the development hereby approved is not commenced within one year of the date of this consent a further wildlife survey of the site shall be carried out to update the information on the species and the impact of development and the survey, together with an amended mitigation strategy as appropriate, shall be submitted to and be approved in writing by the local planning authority and implemented as agreed.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and NPPF.

22. Before the commencement of development a scheme for the protection of noise sensitive properties, including noise limits during construction/demolition works shall be submitted to and agreed by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

REASON: In order to safeguard and protect the amenity of neighbouring residential occupiers and the locality, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

23. Before the commencement of demolition a detail plan of work for demolition, also detailing measures to control noise and dust shall be submitted to and agreed by the local planning authority.

REASON: In order to safeguard and protect the amenity of neighbouring residential occupiers and the locality, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)

24. Demolition or construction works (including unloading of deliveries) shall not take place outside 7.30 hours to 18.00 hours Mondays to Fridays and 7.30 hours to 13.00 hours on Saturdays and at no time on Sundays or Bank Holidays.

REASON: In the interests of the amenity of the area in accordance with Policies GEN2 and GEN4 of the Uttlesford Local plan (adopted 2005).

25. Before the first occupation of the Plots 8 and 12 hereby permitted the windows(s) at first floor flank elevational shall be fitted with obscured glazing. The window(s) shall be permanently retained in that condition thereafter.

REASON: In the interests of the amenity of surrounding residential uses in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2009) Essex Design Guide (2005) and the SPD Home Extensions.

26. 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).

27. 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).

28. 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).



29. 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).

30. 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 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).

*Background papers: see application file.*

\*\*\*\*\*

## APPENDIX

### UTT/0215/12/FUL - STANSTED

**PROPOSAL:** Demolition of existing buildings and erection of 14 No. dwellings, retail and office unit, including associated garages, car parking and landscaping

**LOCATION:** Land to r/o of 14 Cambridge Road Stansted

**APPLICANT:** Bellway Homes Ltd

**AGENT:** Strutt and Parker LLP

**GRID REFERENCE:** TL 511-251

**EXPIRY DATE:** 10.05.2012

**CASE OFFICER:** Maria Tourvas

**APPLICATION TYPE:** Major

#### **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). This comprises 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 are a number of two-storey and single storey units (total of 8 units). These units break down as the following;

Building 1: Unit is recently used by Lan One Computers (computer repair shop);

Building 2: Until recently used by Vaio Pak Packaging Company;

Building 3: Currently vacant but has been used by You're Furnished in the past;

Building 4: Currently vacant but has been used by You're Furnished in the past;

Building 5: Currently vacant but has been used by You're Furnished in the past;

Building 6: Currently vacant but has been used by Express Framing in the past;

Building 7 & 8: Used by You're Furnished

- 2.2 The site covers a total area of 0.42 hectares.

- 2.3 The site was previously used by Sworders Fine Art Auctions. However, the site is owned and run by You're Furnished and there are 2 sub-tenants (Lan One and Expressive Design) which have short/expired leases. There is a standalone

building which is located adjacent to the shared boundary with 22 Cambridge Road has been previously been refurbished in 1997 (building 2). The buildings on site are predominantly dated, in a poor state of repair and require work. The application site to the north adjacent to the rear of properties fronting Clarence Road, appears to be a secluded area. This is used more as 'waste ground' rather than parking area.

- 2.4 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.
- 2.5 Fronting Cambridge, other than the single storey shop as discussed above, there is a Tesco's store, a back clinic and Co-operative food store that back onto the application site. There is also a row of semi detached single family dwellings. Half of this row of houses are Grade II Listed.
- 2.6 To the south of the application is the Crafton Green Car Park also consists of the local clinic and library.
- 2.7 The site's access is taken from Cambridge Road.

### **3. DESCRIPTION OF PROPOSAL**

- 3.1 The application is for the demolition of 8no. existing employment buildings and the erection of 14no. residential dwellings. This will be a mixture of detached and semi detached two-storey properties with associated garage provision. The scheme also involves the erection of a new retail unit with office space over, which would be two-storeys fronting Cambridge Road.
- 3.2 There would also be associated car parking for both the residential and commercial unit and landscaping.
- 3.3 The dwellings are proposed to be 6 x 3 bedroom units, 4x 4 bedroom units and 4 x 5 bedroom units. Plot 6 is proposed to be a designated wheelchair unit, capable of being wheel chair adaptable.
- 3.4 A 5 bar timber gate is proposed along the front access of the site, setback from the main road.

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

- 4.1 The following documents have been submitted with the application:

Design and Access Statement - undated  
Planning Statement - January 2012  
Transport Statement – January 2012  
Report on Impact of Existing Commercial Buildings on Plots 1 and 2 – January 2012  
Site Marketing Assessment Report – January 2012  
Geotechnical and Geo-environmental Report – March 2011  
Flood Risk Assessment – January 2012  
Utilities Statement - January 2012  
Energy Statement – January 2012  
Statement of Community Engagement – 27 January 2012

#### **4.2 Consultation and Community Involvement**

As part of the application process a public exhibition has been undertaken by the applicant prior to the submission of the application in accordance with the Council's Statement of Community Involvement.

The initial application was part of two briefing letters to residents, two sets of meetings with residents and door to door surveys have been carried out. It has been offered that the applicant would meet with residents at their own homes at times of the day convenient to them, telephone contact and discussion have been held with residents as well as a one day public exhibition which involved local groups, parish councils etc.

A Statement of Public Consultation has been submitted as part of the application.

### **5. RELEVANT HISTORY**

- 5.1 UTT/111/75 - Erection of warehouse, packing case store and garage – Refused July 1975
- 5.2 UTT/206/76 – Linked corridor, showroom – warehouse to existing showrooms – Granted April 1976
- 5.3 UTT/453/76 – Erection of warehouse and garage - Granted July 1976
- 5.4 UTT/1446/95 – Change of use from Class A1 to auction rooms – Granted April 1996

### **6. POLICIES**

#### **6.1 National Policies**

National Planning Policy Framework

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

Policy SS1 - Achieving Sustainable Development  
Policy SS2 – Overall Spatial Strategy  
Policy SS4 - Towns Other than Key Centres and Rural Areas  
Policy E1 – Job Growth  
Policy E2 – Provision of Land for Employment  
Policy E3 – Strategic Employment Sites  
Policy E5 – Regional Structure of Town Centres  
Policy T1 – Regional Transport Strategy Objectives and Outcomes  
Policy T2 – Changing Travel Behaviour  
Policy T3 – Managing Traffic Demand-  
Policy T4 - Urban Transport  
Policy T7 - Transport within Rural Areas  
Policy T8 – Local Roads  
Policy T13 - Public transport accessibility  
Policy ENV1 – Green Infrastructure  
Policy ENV3 – Biodiversity and Earth Heritage  
Policy ENV7 - Quality in the Built Environment  
Policy ENG1 - Carbon Dioxide Emissions and Energy Performance  
Policy WAT4 - Flood Risk Management

### 6.3 **Essex Replacement Structure Plan 2001**

No policies relevant.

### 6.4 **Uttlesford District Local Plan 2005**

Policy S1 – Development Limits for the Main Urban Areas

Policy SM1 – Local Centres

Policy E1 - Distribution of Employment Land

Policy E2 – Safeguarding Employment Land

Policy RS1 - Access to Retailing and Services

Policy RS2– Town and Local Centres

Policy GEN1 – Access

Policy GEN2 – Design

Policy GEN3 – Flood Protection

Policy GEN4 – Good Neighbourliness

Policy GEN6 - Infrastructure Provision to Support Development

Policy GEN7 - Nature Conservation

Policy GEN8 – Vehicle Parking Standards

Policy ENV2 - Development Affecting Listed Buildings

Policy ENV3 - Open Spaces and Trees

Policy ENV12 –Protection of Water Resources

Policy ENV14 – Contaminated Land

Policy ENV15- Renewable Energy

Policy H1 - Housing Development

Policy H3 - New Houses within Development Limits

Policy H4 - Backland Development

Policy H10 - Housing Mix

### 6.5 **Stansted Mountfitchet Community Plan (2011)**

The Plan states over the years the number of shops have reduced in the Parish and that they have done well to hold as many retailers as they have. The Plan discusses the widespread fear of crime whether actual or perceived, even though the reality is less and the need for more Police Officers on the streets which would reduce the perception and the need for better street lighting.

The Village Plan discusses issues relating to roads traffic and parking in the area, whereby Cambridge Road is highlighted as a danger both to pedestrians and drivers.

It is highlighted within the Plan the need for more smaller family dwellings (2 and 3bedroom units) and the need for affordable housing.

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 site that could potentially bring forward housing scheme s 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).

It is discussed within the document the local publics likes and dislikes about living in the Parish. The dislikes included amongst other things traffic and anti-social behaviour.

## 7. **CONSULTATIONS**

- 7.1 **Planning Policy:** verbally reported: The site is not allocated for any particular use. It is within the development limits where there is a policy presumption in favour of appropriate development.
- 7.2 Policy E2 states that the development of employment land for other uses outside the key employment areas will be permitted if the employment use has been abandoned or the present use harms the character or amenities of the surrounding area.
- 7.3 The site is surrounded on three sides by residential properties and there is potential for noise and disturbance is not necessarily compatible with these uses but some other employment use could take place on the site without undue disturbance and as there is limited employment land within the village as previously advised evidence of marketing for employment use would need to be submitted in support of the application in order to demonstrate that there is no demand for employment use of the site.
- 7.4 In order for this application to be approved the Council has to be satisfied that:
- a) there is no demand for this site for business use or
  - b) that the use proposed will generate local jobs
- 7.5 **Access Officer:** Plots 8 & 9 (entrance level WC this requires access through the kitchen and into a further 'lobby' area. This would not be very suitable for a wheelchair user, either as a resident or a visitor. This arrangement could be improved.
- 7.6 There are 14 dwellings which will trigger the requirement for a wheelchair accessible unit under the SPD with an internal layout that meets this need with parking and require a plot to be specified.
- 7.7 The retail unit shows a stepped access and would need to be DDA compliant.
- 7.8 Following amendments further comments submitted: Plot 6 is wheelchair accessible. Drawing provided will meet SPD on wheelchair housing. It would be good if they could market this as an accessible unit. We would expect the lift to be trimmed out on this plot.
- 7.9 Plots 8 and 9 accessible WC now complies and the retail access level is now provided.
- 7.10 **Landscape Officer:** No objection.
- 7.11 **Natural England:** Offer standing advice.
- 7.12 **Veolia:** Site is within an area defined as a Ground Water Protection Zone and require informative regarding construction work to be undertaken in accordance with British Standards. As work could exacerbate pollution.
- 7.13 **Education:** The development would generate a need for a contribution towards early years, childcare and primary level for £57,625.
- 7.14 **Thames Water:** Developer to gain consent regarding surface water drainage prior to connection to public sewers.
- 7.15 **Highways:** No objection subject to the following conditions regarding preventing

surface water discharging onto highway, vehicle parking to be provided prior to occupation, construction traffic, travel information and marketing scheme and informative regarding the works.

- 7.16 **Drainage:** A sustainable drainage scheme is proposed for this site but no details have been provided therefore a condition requiring details together with a condition investigating if exceedence flows if the storage provided is exceeded.
- 7.17 **Architectural Liaison Officer:** Essex Police do not object but would seek a planning condition to secure by design certification is a requirement on all units. SBD approved developments are proven to create opportunities for crime. Application fails to address SBD a condition could address this. Applicants have secured certification on other sites and therefore there is no reason why this can not be achieved on this site.
- 7.18 A footpath would increase footfall through the development and increase the possibility of crime and anti/social behaviour.
- 7.19 Academic research has proven that developments like this layout with a "leaky cul-de-sac are most at risk to crime. Whereby cul-de sac that have no footpath access through them are low on crime. The possibility of anti-social behaviour or crime on units 9 and 10 would be high. I would oppose any public footpath.
- 7.20 **Environment Agency:** No objections subject to conditions relating to contamination, remediation, no infiltration of surface water drainage, if contamination not previously identified is not found and informative relating to surface water drainage, foul water disposal, water efficiency, energy ad resource efficiency and waste management.
- 7.21 **Environmental Health:** A site management plan is required. The geoenvironmental report submitted indicates that contamination potentially harmful to human health is present on the site therefore a contamination condition is required. Also a condition requiring demolition and construction work shall be carried out in accordance with the Uttlesford Code of Development Practice.
- 7.22 **Climate Change Officer:** Conditions relating to Code Level 3 and 10 % energy efficiency to be applied should planning permission be granted.

## 8. PARISH/TOWN COUNCIL COMMENTS

- 8.1 Objection for the following reasons:
- Loss of commercial site in the village -would be well suited to a mixed use with starter business units which could be funded by small number of residential dwellings.
  - Recent survey by UDC shows need for 2 and 3 bed homes
  - Object to gated communities
  - No provision of pedestrian link from Cambridge Road to Crafton Green Car Park which should be a requirement of any development.
  - Highway concerns - traffic backing up onto Cambridge Road Delivery vehicles etc which are unable to access the site would have to reverse out onto Cambridge Road danger to pedestrians and other road users. Vehicle exiting the site would have poor sight lines to the north are there are regular large lorries parked and delivering to Tesco and the Co-op.

Further comments following re-consultation on amendments;

- Members object very strongly to application;
- Made it very clear that there should be a footpath link through to Crafton Green Car Park which it is essential, benefits to the community;
- Do not support gated developments;
- Unconvinced that there is not a need for employment;
- Mixed use development would be acceptable
- Site visit by Planning Committee Members should be carried out.

## 9. REPRESENTATIONS

9.1 The neighbouring properties have been notified of the planning application and the application has been advertised on site. To date 22 representations have been received. Notification period expired 18 April 2012 further to amended plans

The responses have been received raise the following points;

- There are several businesses running on site (Your Furnished (2 outlets), Express Picture Frame, Lan One Computers, Viao Cups and the empty retail outlet occupied by Sandwich/Deli Company. The proposed demolition of all buildings to provide 1 new retail units creates a sizable shortfall in commercial premises;
- The plans are not in keeping with the High Street retail area offer;
- Removing much needed jobs and opportunities for employment. These small businesses employ a significant number of people both directly and indirectly and should not be overlooked;
- The development has no visitor parking therefore would cause on street parking made worse;  
The gate would make traffic worse;
- Scheme could be improved by increasing the amount of commercial outlets and reducing the number of residential;
- Loss of employment would have an impact on other local businesses and local economy;
- Dangerous as delivery vehicles park close to that entrance;
- Residential would increase congestion and traffic along Cambridge Road
- Access is unsafe;
- site has always been used for commercial;
- Inappropriate to change use to residential;
- Housing is built all around at the expense of commercial;
- This part of Cambridge Road is dangerous and congested therefore no consideration should be given to schemes that would add to this problem.
- Access should be from Chapel Hill Grafton Green car park and through site for pedestrians to encourage local employment and economy;
- Need a new health centre to serve the growing population and this should be located here closer to other services;
- No link from car park to Cambridge Road through the estate. This should be required before granting any consent;
- Worried about vehicular access across a busy pavement;
- Development is in the middle of a commercial shopping zone and not comparable to area;
- Loss of site would compromise access to shopping amenities;
- Do we want to stunt amenities in one of the fastest growing area by allowing a few dwellings;
- Flats should be provided above shops and offices;
- Retail provides jobs not housing developments;
- Housing density is too high and out of keeping with area;
- Retail commercial units are needed in area;



- Unsympathetic buildings will spoil area;
- Too many employment sites are being lost;
- The community would need to be long term sustainable;
- More employment sites will be left untouched to seek change of use;
- Existing on street parking and delivery hazards;
- Pedestrian safety;
- No more residential is needed;
- on street parking;
- Insufficient parking provision
- Traffic pressure on the main road could resolved through a pedestrian path being created from the public car park;
- Pressure on health services;
- Highways are not objection without a risk assessment being undertaken;
- Application would be an improvement to the site;
- Relocating from site as an occupant to other premises to allow expansion;
- There have been problems with the access being blocked;
- Concerned that development would result on a loss of sunlight and privacy due to eight of proposed dwellings. The largest house plot 4 would be located to rear of dwelling;
- Smaller two storey dwelling would be acceptable;
- Amendments does not resolve concerns by swapping Plot 4 for Plot 6
- More 2 and 3 bed affordable homes are needed within the Village

#### 9.2 **Councillor Alan Dean:**

The site is in the core of the commercial and retail centre of Stansted. It should not be allowed to convert to residential, as it would have detrimental effect on the vitality of retail and other local businesses and the immediate locality. Suggested that developers were encourage to meet 5 year land supply this would be bad planning. And the Council should be planning for economic recovery and regenerating Stansted.

- 9.3 A master pan is needed linking Cambridge road with Crafton Green Car Park to relieve traffic.
- 9.4 Uncertainty regarding the medical centre proposed at Lower Street this site should be considered as an alternative. Application should be refused as road access is unsafe.
- 9.5 Amendments to scheme - amendments are small in detail and do not affect earlier objections to the principle of change of use.
- 9.6 Marketing Assessment states that the PCT rejected the site for the health centre as the site access from Cambridge road was unsuitable. Existing buildings were offered not site clearance the link to Crafton Green car park would improve the prospect of the health centre.
- 9.7 The report identifies other vacant sites in the area. This does not justify the change of use of the site but the need for regeneration of the site.
- 9.8 A master plan is needed. Loss of the site to residential would undermine commercial regeneration compromising village jobs. Application should be refused.

**ON SUPPLEMENTARY LIST OF REPRESENTATIONS:** : 2 further letters have been received:

2 Letters from Councillor Rich:

1. Oppose this application in its present form. Repeatedly assured by the applicant that they were putting in amendments which would afford some pedestrian right of way through from the Crafton Green car park to the businesses on Cambridge Road. I might have felt more warmly to this development, and the very significant loss of commercial land which it represents, to Stansted and its other businesses could have been secured. However, the applicants have plainly taken the decision that they do not need to offer anything.

They propose access to a (gated?) private development of 14 homes at one of the most controversial and dangerous parts of the pavement, right by Tesco. The vehicular access point which they propose is not through Crafton Green, but through a very dangerous and busy part of the village. The access point at Tesco is one which causes massive controversy and argument at present.

2. Application is a departure from planning policy, which currently offers no redeeming features. On Scutiny on Monday night, this was identified as a site under the LDF for residential use - but subject to the provision of a route through from the important public car park on Crafton Green to Cambridge Road. That would be a real boost for business, if it was included.

The applicant is now claiming that the police have advised them against it.

Given that the site is fully occupied - or would be but for this application - it is also most surprising to see a report from an "independent" consultant claiming that there is no demand for commercial sites of this nature in the area.

## 10. APPRAISAL

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

- (A) **Principle of development, demolition and the justification relating to the loss of employment site (Local Plan Policy S1, RS Policy SS1);**
- (B) **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 GEN8, RS1);**
- (D) **Contaminated land issues (Local Plan Policy ENV14);**
- (E) **Flood risk issues (Local Plan Policy GEN3,);**
- (F) **Impact on biodiversity (Local Plan Policy GEN7, RSS Policies ENV1 and ENV3);**
- (G) **Other material considerations:**

(A) **Principle of development, demolition and the justification relating to the loss of employment site**

10.2 The key message in the NPPF is that development which is sustainable should be approved without delay. ....and that planning should proactively drive and support economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs.

10.3 Paragraph 50 of the NPPF says that in order to deliver a wide choice of high quality homes, widen opportunity for home ownership and create sustainable, inclusive and mixed communities local authorities should .....plan for a mix of housing based on

current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).

- 10.4 The Strategic Policies and Development Management Policies forming part of the LDF are not far enough advanced to be given any weight in relation to this application.
- 10.5 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.
- 10.6 In the plan the future aspirations for the village are set out below. This site is specifically mentioned as one where the Parish Council agrees it could be provide a development opportunity for housing as the site is identified in the District Council's Strategic Housing Land Availability Assessment as a site which is suitable, available and achievable for housing. The Parish Council's response to the SHLAA was actually dependent on the site not being needed for business use.
- 10.7 Local Plan Policy S1 (within development limits in existing main urban areas) applies to areas such as Stansted Mountfitchet. It states that major urban extensions would be permitted if in accordance with the local plan and 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.
- 10.8 The Council's Planning Policy section outlined 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
- 10.9 The site's lawful use is for the purposes of employment; however the site itself is not an identified safeguarded site due to the size of the site being less than 1.0 hectare. Local Plan Policy E2 relating to safeguarding employment land states that for site 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.
- 10.10 The site is within the Development Limit of Stansted on previously developed land where in principle development is acceptable, subject to compliance with other policies of the Local Plan. With regards to the loss of employment the application site is not completely abandoned, however 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.
- 10.11 The current employment situation onsite is;
- You're furnished - 3 employees. The business will be relocated to another owned site at Old Mead Road Else ham;
- Lan One is a subtenant and sole proprietor. They are relocating to the immediate area;

Expensive Design is a subtenant and is relocating to the immediate area.

- 10.12 In total there are 5 employees using existing buildings.
- 10.13 All of these businesses are being and proposed to be located elsewhere around Stansted and Elsenham, and are therefore not being completely lost from the local economy in this respect. There will not be a total loss of commercial use from the site as the application seeks the redevelopment and provision of a two-storey retail unit with office over which will contribute towards the local economy and maintaining the main roads retail frontage and service provision. This is in accordance with Local Plan Policies S1, E2, SM1, RS1 and RS2, RS Policies SS1, E1 and E2 also the NPPF. It is envisaged that the new retail/office unit will create a similar number of jobs to the number currently employed on site.
- 10.14 A Site Marketing Assessment Report has been submitted as part of the application, which provides a detailed report as to the marketing of the site since 2008. This highlights that since the departure of the auction company from the application site many of the buildings on site have suffered from the lack of maintenance and at present the site detracts from the town centre of Stansted. It is also stated that none of the buildings have any amenity value being of a corrugated roof finish and in need of repair. It is stated that a schedule of the physical condition of the buildings have been recorded. It is stated that there is a clause within each of the leases that states "that nothing in this lease...shall require the tenant to put...the premises in any better state of repair and condition as evidenced by the Schedule of Condition annexed hereto". Further to that any improvements undertaken are at the sole expense of the tenant and would be disregarded at the time of rent reviews.
- 10.15 This has resulted in none of the buildings being physically improved and has deteriorating since 1996 as no money has been spent on the fabric. It has been mentioned that the old showroom and main sales room is structurally unsound and the building moves in the wind. The structures are stated to be constructed of single skin concrete blocks work set in a concrete frame, where there are cracks and the walls have moved from the frames. There has been water penetration in places that in turn this has resulted in deterioration of the outer skin.
- 10.16 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 which has resulted in congestion around the sites entrance.
- 10.17 In terms of marketing the application site has been informal marketed since 2008 and officially marketed since 2010. The site was offered to a number of developers and including Co-op, Tesco and the West Essex Primary Health Trust having exposure for both the residential and commercial market.
- 10.18 The report highlights the number of other commercial units within a 15 mile radius centered on Stansted. This outlined that there are 705 buildings/ units/ suites available in this area. This breaks down to 492 Class B1 (Office business use), 138 Class B2/B8 (industrial/warehousing) and 75 units within retail (Class A1-A5). Out of this the number of mixed commercial units available within Stansted at the time of submitting the application was 20 units. Beyond the village approximately 3,000sqm of office accommodation and 2,000 sqm of B1, B2 and B8 units around the airport and Bishop's Stortford. It has been stated that 70% of the above floor space has been available for more than 24 months.

- 10.19 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). It has been stated within the applications submission regarding the Local Planning Authorities duty to have a 5 year land supply and that there is currently not that supply of delivery sites that needs to be provided (Section 6.12 of the Planning Statement).
- 10.20 Reference has been made to Planning Policy Statement 3 relating to Housing, however this has since been revoked after the submission of the planning application and the NPPF has precedence. Nonetheless, the newly adopted NPPF still supports the provision and delivery of new homes with a presumption in favour of sustainable development.
- 10.21 From the justification submitted as part of the application it has been demonstrated that the site has been actively marketed, that there is a saturation of other commercial units on the market, that there is no demand and that the site is in a suitable location in terms of constraints, also the existing buildings are beyond economic repair. In consideration of the above it is concluded that there is no demand for this site for business use and the proposed use will continue to generate local jobs through the redevelopment of the frontage. The development therefore accords with Local Plan Policies S1, E2 and SM1, also this is in accordance with the Stansted Mountfitchet Community Plan.
- 10.22 Policy H3 states that like in Policies S1 and S3 development would be permitted if compatible with its surroundings and it meets the following criteria, inter-alia;
- a) The site comprises previously developed land;
  - b) Accessible;
  - c) Existing infrastructure has capacity to cope with proposed development;
  - d) Development would support local services and facilities;
  - e) Site is not a key employment site and
  - f) Avoiding development which makes inefficient use of land
- 10.23 Due to the sites locality and the nature and scale of the proposed development the scheme accords with Local Plan Policy H3.
- 10.24 Policy H4 for backland development states that "development of a parcel of land that does not have road frontage will be permitted, **if all** the following criteria are met;
- a) There is a significant under-use of land and development;
  - b) There would be no material overlooking or overshadowing of nearby properties;
  - c) Development would not have an overbearing effect on neighbouring properties; also
  - d) Access would not cause disturbance to nearby properties.
- 10.25 In terms of the amenity aspect this will be discussed below. With regards as to whether the scheme would be compatible with the character of the settlement area and countryside, the scheme would replace unsightly underused buildings within Development Limits of the Village, hence the scheme is considered to comply with Local Plan Policy H4 (a), (c) and (d).
- 10.26 The principle of demolition it has been discussed within the application. The demolition of the current building is stated would be undertaken to minimise the

impact that would occur to the residential occupiers protecting their residential amenity by minimising dust and noise as part of the process. It has been emphasised that the applicants are happy for a condition to be imposed requesting a methodology statement to be submitted for approval should planning permission be granted, in accordance with Local Plan Policies GEN2 and GEN4. This aspect would be a requirement should planning permission be granted, however Environmental Health would also be monitoring this aspect under their separate legislation.

**(B) Scale, layout, design, amenity and sustainable construction issues**

10.27 With regards to the proposed design of the scheme the NPPF, RSS Policy ENV7, also Local Plan Policy GEN2 seek 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 Development Affecting Listed Buildings seeks for development that preserves and/or enhances their character, setting and appearance.

10.28 Overlooking:

The proposed 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) and east (fronting Greenfields) to the rear elevations of the proposed units, as outlined within the Essex Design Guide. Properties that consist of velux windows to the rear elevations are sited at an internal level to prevent direct overlooking. The dormer windows, which are proposed namely on Plots 4, 5, 7, 8, 9 and 13, face inwards of the site to prevent a dominating, obtrusive appearance and overlooking. With regards to the relationship of the residential dwellings fronting Cambridge Road to the subject scheme, Plots 1-4, are side-on preventing overlooking and mitigating the impact upon outlook. Any proposed flank windows would be subject to an obscure glazing condition should planning permission be granted. This accords with local, regional and national policy.

10.29 Amenity Space:

In respect of the provision of amenity garden space the Essex Design Guide seeks 100 square metres of garden space per unit. The proposed development would provide units varying from 60-143sqm. Whilst a couple of the units would fall short of the requirement, the provision of garden space is considered to be useable and reasonable, within a town centre location while ensuring back to back distances, therefore it is considered to be acceptable.

10.30 Design, Size and Scale:

There is a variety of size, scale and designs surrounding the proposal.

The proposed heights of the units would vary from 8m to 10.4m and the office retail space being 7m;

- Retail/office 7m
- 8m (Plot 1, 10 and 11)
- 8.3m (Plot 2 and 3)
- 10.4m (Plot 4 and 5)
- 8.2m (Plot 6 and 14)
- 9.2m (Plot7)
- 10-10.2m (8 and 9)

- 8.4m (Plot 12)
- 9m (Plot 13)

- 10.31 Due to the 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.
- 10.32 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. The houses general designs are standard in nature and would not be dissimilar to other properties within the District. This is acceptable and considered to accord with Local Plan Policy GEN2.
- 10.33 There is a proposed timber 5 bar gate at 1.2m in height. There would be 7m set back from the highway to the proposed access gates. Whilst there have been objections regarding a 'gated community' and it is not typically an accepted practice, there are parking issues along Cambridge Road. The proposed gates would prevent any unauthorised parking and restrict the level of movement from the existing access, reducing the risk to highway safety in accordance with Local Plan Policy GEN1 relating to Access. The proposed design of the gate would be discreet and maintain a rural appearance in keeping with its surroundings.
- 10.34 The request for an access footpath from the Crafton Green Car Park is discussed below under Section 10.52.
- 10.35 Impact on Listed Buildings:  
Due to the orientation of the proposed dwellings in relation to the listed buildings, located on Cambridge Road, the proposed development is orient away and can not be read in relation to the Listed Buildings. No impact is considered upon the setting of the listed buildings in accordance with Local Plan Policy ENV2.
- 10.36 Amenity Impact on Proposed Residential Units:  
A report has been undertaken by Pellings on behalf of Bellway Homes regarding the impact of the existing commercial buildings upon the proposed residential Plots 1 and 2 . The report states that the proposed development is of a typical infill scheme which is surrounded by both commercial and residential properties. It specifies that the proposed internal layout of the dwellings and the relationship with the adjoining commercial retail units fronting Cambridge Road. It is highlighted that the flank wall of Tesco is rendered at the base with an eaves height of 5m with no windows in the elevation. To the rear of number 22 there is a single storey flat roof commercial building which is 3.5m high. There is a narrow gable pitched roof flank which abutts Plot 2. It is stated that due to the sun path there would be no overshadowing during the morning but some in the afternoon in the rear garden and rear elevation of Plot 1. Plot 2 is adequately set back from the shared boundary with number 22 Cambridge Road. It was concluded that the buildings fronting Cambridge Road would not have an adverse impact upon the residential amenity of proposed future.
- 10.37 Housing Mix:  
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 6 x 3 bedroom units, 4x 4 bedroom units and 4 x 5 bedroom units. This would provide a balance in the size of the family size units including meeting the need for 3 bedroom units, in accordance with Local Plan Policy H10 and the Community Plan.

- 10.38 Retail Unit:  
The proposed retail unit has been designed to provide both retail space in order to increase and retain retail/office frontage, in accordance with Policies RS1, RS2, and E2.
- 10.39 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. The design is considered to be proportionate and in keeping with its surroundings. These accords with Local Plan Policy GEN2, RSS Policy ENV7 and NPPF.
- 10.40 Energy Efficiency:  
Local Plan Policies GEN1 and ENV15 relating to renewable energy and the Council's Supplementary Planning Document "Energy Efficiency and Renewable Energy", RS Policies ENV1, ENV7 and ENG1 inline with NPPF seeks for sustainable development both in terms of reducing carbon footprint, promoting the use of renewable energy and locating development within accessible locations that can be served by other means of transport.
- 10.41 Uttlesford has a requirement for new non domestic buildings to comply with BREEAM 'Very Good' rating and for new dwellings to comply with Code Level 3, in line with national and regional policy. A report submitted with the application demonstrates how the proposed new buildings could comply with this requirement. It is confirmed within this report that this would be achieved through the use of solar thermal panels for the residential units and air source heat pumps for the commercial units.
- 10.42 The Council's Climate Change Officer has raised no objection subject to the imposition of conditions should planning permission be granted relating to Code Level 3 and 10% energy efficiency. As there has been a recent change in Building Regulations residential developments achieving Code Level 3 and 10% energy efficiency can now be met through Part L of the Building Regulations therefore there is no longer a need to impose such a condition should planning permission being granted. However, the proposed development new retail unit with office space above is still required to achieve BREEAM 'Very Good', which can be ensured through a condition should planning permission be granted. Also it is illustrated within submitted drawing the provision of solar panel (drawing number 2011-147-002). This complies with Policies GEN2, and ENV15 of the local plan, also RS Policies ENV1, ENV7 and ENG1 and the Council's Supplementary Planning Document "Energy Efficiency and Renewable Energy".

**(C) Highways, Accessibility and Parking**

- 10.43 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."*



- 10.44 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework. This is also reflected within regional Policies SS1, T1, T2, T13 and ENV1 of the RS.
- 10.45 It is stated within the Transport Statement that the proposed development would result in a decrease in of 238 two way traffic by vehicle trips and by 99 two way operational goods vehicle trips. The above being the lawful number of vehicles that were going/capable of going in and out of the site based on its lawful use as an employment based site. Considering this together with the sites sustainable locality to the road network, bus stops and railway station the scheme is considered to be an improvement to how the site could operate if it continued in employment use. This is considered to be particularly the case considering the evolved high road concerns surrounding on-street parking and servicing of the two food stores. The proposed scheme would reduce the current risk and potential highway safety concern if the site continues to operate for employment purposes.
- 10.46 Parking:  
ULP Policy GEN8 requires the parking provision to be in accordance with current adopted standards.
- 10.47 ECC Parking Standards September 2009 -2 spaces per dwelling (minimum) and 1 space per 30sqm for Class B1 and 1 space per 20 sqm for Class A1 (maximum). This equates to the requirement of 28 car parking spaces for the residential properties and 6 spaces for the proposed commercial units.
- 10.48 The proposed scheme proposes to provide 2 car parking spaces per dwelling, which include garages and 2 car parking spaces for the commercial units. The car parking provision for the dwellings and the commercial units comply with the car parking standards include the proposed sizes of the garages. Whilst the proposed parking provided for the commercial element would provide more car parking space for this particular unit than what currently exists. For example the existing retail unit fronting Cambridge Road could be separated without the need for planning permission and no on-site provision of car parking. Also, as previously stated the application site is located within an accessible area that by other modes of transport. No objection has been raised the Highway Authority regarding the proposed development subject to conditions should planning permission be granted.
- 10.49 Accessibility:  
ULP Policy RS1 requires all retail developments to ensure that they are accessible to all in order to ensure social inclusion. It has been stated within the application submission that the scheme would be DDA compliant and accord with Part M of the Building Regulations. This is in accordance with sections (c) and (d) of Local Plan Policy GEN1.
- 10.50 Similarly the proposed dwellings will be to 'Lifetime Homes' standards with Plot 6 being specified as designated wheelchair housing. This accords with Local Plan Policy GEN1, GEN2 and SPD Accessible Homes and Play space and the golden thread of sustainability engrained within the NPPF.
- 10.51 In terms of accessibility the application site is located within/adjacent to the town centre. Immediately on Cambridge Road exiting the site there is a bus stop which would be provide good accessibility.

10.52 Numerous request and objections have been made regarding no provision of a pedestrian footpath linking the adjacent public car park and the application site in order to get through flow onto Cambridge Road. Whilst this was a request from some residents including the Parish Council the provision of a pedestrian footpath is unacceptable in terms of introduction would increase footfall through the development and increase the possibility of crime and anti/social behaviour. The Architectural Liaison Officer stated that "...Academic research has proven that developments like this layout with a 'leaky cul-de-sac' are most at risk to crime. Whereby cul-de sac that have no footpath access through them are low on crime. The possibility of anti-social behaviour or crime on units 9 and 10 would be high." The Architectural Liaison Officer confirmed that he would oppose any public footpath through the application site. The lack of pedestrian footpath provision results in the proposed scheme complying with Local Plan Policy GEN2 (d) by helping to reduce the potential for crime.

**(D) Contaminated land issues**

10.53 The contamination report that has been submitted as part of the application submission concluded that there is evidence of localised ground contamination. It is stated that there were historical tanker storage on site for fuel in the garages whilst they have been removed it is likely that this area would be required to be remediated to the northwest corner of the site. 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, RS Policy ENV7 and the NPPF.

**(E) Flood risk issues**

10.54 The application site is located within Flood Zone 1 where by having a low probability of flooding. Local plan Policy GEN3, RS Policy WAT4 the protection and prevention from flooding. A flood risk assessment has been submitted as part of the application.

10.55 As the application site is 0.42 hectares and being located within a Flood Risk Zone one it would need to be assessed as part of any application Flood Risk submission sustainable means for surface water management.

10.56 It's Flood Risk Zone 1 classification means the site has low probability of flooding from tidal and fluvial sources therefore site would be pass a sequential test of any development and would not require an Exception Test that was required under the previous PPS25. The desk study also demonstrated that the site has low probability of flooding from pluvial or groundwater sources. The current site consists of 67% of permeability, whereby as part of the proposed development this figure will reduce to 8% of the total site. The application submission states that surface water attenuation would be achieved through some surface water attenuation permeable paving and some storage within the infiltration blanket.

10.57 It has been confirmed that there would be sufficient capacity to accommodate the foul discharge form the site. Overall the proposed development would not significantly increase the risk of flooding or increase the risk to others.

10.58 The Council's Drainage Engineer raised no object to the application subject to a condition being imposed relating to the seeking detail on sustainable drainage scheme together with a condition investigating exceedence flows if the storage provided is exceeded. This would accord with Local Plan Policies GEN3 and GEN2, also RS Policies WAT4 and ENV7, and the NPPF.

**(F) Impact on biodiversity**

10.59 Wildlife

Local plan policy GEN7 for nature conservation seeks that development that would have harmful effects upon wildlife or geological features will not be permitted unless the need for development outweighs the harm. It also seeks that a conservation survey be sought for sites that are likely to be ecologically sensitive with associated mitigation measures. Policies ENV1 and ENV3 of the RSS seeks maximising biodiversity, proper consideration being given to the effects upon conservation of habitats.

10.60 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states “*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*”. This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Recent case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.

10.61 The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:

The consented operation must be for “*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*”; and

There must be “*no satisfactory alternative*”; and

The action authorised “*will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*”.

10.62 An Extended Phase 1 Habitat Survey has been submitted as part of the application. The buildings on site are not considered to be suitable buildings for the roosting of bats and poor opportunities for foraging habitats for bats. This is considered the case as the buildings on site consist of shallow corrugated asbestos roofs.

10.63 Swifts were noticed nearby and considered to be nesting on buildings close to the site. There are no trees within the site however there are several mature trees adjacent to the shared boundary with neighbouring properties namely along the west and north boundary.

10.64 The site appears effectively clear from items and opportunities that can provide habitats for reptile, amphibians, invertebrates and nesting birds.

10.65 The survey concluded there the site has low ecological value and lacks of suitable habitats therefore no further surveys are recommended. However, it has been recommended as part of the outcomes that the proposed development should include soft native landscaping and nest boxes to be included within the scheme.

The proposed development is not considered to detrimentally impact upon

protected wildlife and the resultant scheme could improve the opportunities for encouraging wildlife. This accords with Local Plan Policy GEN7, Policies ENV1 and ENV3 of the RSS and the NPPF's regarding sustainability of developments.

10.66 Landscaping

As party of the application a plan has been submitted proposing measures to protect adjacent trees whilst the proposed works are on going, what is proposed to be cut back and indicative landscape proposal. Due to the lack of landscaping features on site no objection has been raised by the Council's Landscape Officer. 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.

**(G) Other material consideration**

10.67 Another material change since the granting of planning permission is the adoption of National Planning Policy Framework (March 2012). Amongst other things, this seeks a presumption in favour of sustainable development unless material considerations indicate otherwise. Also development proposals that accord with the development plan without delay. It goes onto seek high quality design and good standard of amenity for all existing and future occupants of land and buildings, promoting viability of urban areas, promoting use of brownfield land. The proposed development accords with the National Planning Policy Framework

10.68 The development would generate a need for a contribution towards early years, childcare and primary level and the Essex County Council Educational Services have requested a contribution of £57,625. This has been addressed through a proposed Unilateral Undertaking.

**11. CONCLUSIONS:**

11.1 It has been demonstrated that the site has been actively marketed, that there is a saturation of other commercial units on the market, that there is no demand and that the site is in a suitable location in terms of constraints, also the existing building are beyond economic repair. In consideration of the above it is concluded that there is no demand for this site for business use and the proposed use will continue to generate local jobs through the redevelopment of the frontage. The development therefore accords with Local Plan Policies S1, E2 and SM1, also this is in accordance with the Stansted Mountfitchet Community Plan.

11.2 The principle of demolition is considered to be acceptable subject to mitigation conditions should planning permission be granted.

11.3 The proposed design of the scheme is acceptable and in keeping subject to conditions should planning permission be granted. The setting of the existing adjacent listed buildings would be preserved. No detrimental impact is considered upon the residential or visual amenities of the existing neighbouring residential occupiers. This is in accordance with Local Plan Policies GEN2 and GEN4, The Essex Design Guide and RS Policies SS1 and ENV7.

11.4 An Energy Efficiency report submitted with the application demonstrates how the proposed new dwellings would meet Code Level 3 and the proposed commercial unit would be achieving BREEAM 'Very Good'. It is confirmed within this report that this would be achieved through the use of solar thermal panels for the residential units and air source heat pumps for the commercial units. This accords with Policies GEN2, and ENV15 of the Local Plan, RS Policies ENV1, ENV7 and ENG1, also the Council's Supplementary Planning Document "Energy Efficiency and

## Renewable Energy.

- 11.5 The proposed development would result in a decrease in of 238 two way traffic by vehicle trips and by 99 two way operational goods vehicle trips. The above being the lawful number of vehicles that were going/capable of going in and out of the site based on its lawful use as an employment based site. Together with the sites sustainable locality to the road network, bus stops and railway station the scheme is considered to be an improvement to how the site could operate if it continued in employment use. The proposed scheme would reduce the current risk and potential highway safety concern if the site continues to operate for employment purposes. This accords with Local Plan Policy GEN1, Policies SS1, T1, T2, T13 and ENV1 of the RS and the NPPF.
- 11.6 The proposed car parking provision is acceptable and accords with Local Plan Policy GEN8 and the Essex Parking Standards (2009).
- 11.7 No objection has been raised by the Highway Authority, subject to conditions.
- 11.8 The proposed development would be DDA compliant, designed to Lifetime Homes standards, and there would be a designated wheelchair accessible unit. This accords with Local Plan Policy GEN1, GEN2 and SPD Accessible Homes and Play space.
- 11.9 The unacceptability of a public footpath on crime prevention grounds has been discussed in Section 10.52 above, the scheme accords with Local Plan Policy GEN2 by helping to reduce the potential for crime.
- 11.10 Due to historical uses on site there is likely to be contamination. 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, RS Policy ENV7 and the NPPF, also comments received from the Environment Agency.
- 11.11 There would be sufficient capacity to accommodate the foul discharge from the site. Overall the proposed development would not significantly increase the risk of flooding or increase the risk to others. Subject to a condition relating to drainage details this aspect of the scheme is considered to be acceptable and would accord with Local Plan Policies GEN3 and GEN2, also RS Policies WAT4 and ENV7, and the NPPF.
- 11.12 The proposed development is not considered to detrimentally impact upon protected wildlife and the resultant scheme could improve the opportunities for encouraging wildlife. This accords with Local Plan Policy GEN7, Policies ENV1 and ENV3 of the RSS and the NPPF's regarding sustainability of developments.
- 11.13 The lack of landscaping features on site has raised no objection from the Council's Landscape Officer. 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.

## **RECOMMENDATION – CONDITIONAL APPROVAL and subject to a Unilateral Undertaking regarding the provision of Education monies towards the provision of early child care and primary care for a sum of £57,625 is proposed.**

1. The development hereby permitted shall be begun before the expiration of 3 years

from the date of this decision.

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

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

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

3. Prior to the erection of the development hereby approved (not including footings and foundations and demolition) 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. 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).

4. No development shall take place (excluding demolition) 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

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)

5. 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).

6. The Retail/Office unit hereby permitted as designed, specified and built shall achieve the equivalent of a BREEAM 'very good' rating, namely the building emissions rate (BER) achieved shall be at least 25% lower than the target emissions rate (TER) as calculated by the Building Regulations 2006 Part L2A SBEM methodology, and will incorporate other water saving and environmental features agreed with the planning authority.

The applicant will provide the planning authority with a design SBEM rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as details of water saving and other environmental features. Within four weeks following its completion, the applicant will provide a SBEM rating of the as-built building and details of water saving and other environmental features incorporated.

REASON: In the interests of the promotion of sustainable forms of development and construction and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.

7. No development (excluding demolition) 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).

8. If at any time during the course of construction of the development hereby approved, a species of animal or plant (which include bats and great crested newt) that is protected under the Conservation (Natural Habitats &c Regulations 1994) is discovered, all construction or other site work shall cease until a licence to disturb any protected species has been granted by Natural England.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern.

*Protected species' are those species of plants and animals that are afforded legal protection, for example under the European Union Birds Directive and Habitats Directive (these "European Protected Species" are the highest priority for protection), or under Schedules 1, 5 and 8 of the Wildlife & Countryside Act 1981 (as amended), and the Protection of Badgers Act 1992. Developments which compromise the protection afforded European Protected Species will almost invariably require a licence from Natural England . This applies to Bats (all species) Great Crested Newt, Otter, and Dormouse.*

9. The building(s) hereby approved shall not be occupied until the roads and footpaths associated with the building(s) 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).

10. Before the commencement of the development (excluding demolition) hereby approved, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the local planning authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.

REASON: To meet the District Council requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

11. No development (except for demolition) shall commence until vehicular parking for site operatives (including provision for delivery and storage of materials) clear of the highway has been provided within the application site in accordance with details to be submitted to and approved in writing by the local planning authority prior to the commencement of the development, and such provision shall be retained and kept available for this purpose during construction of the development.

REASON: In order to prevent indiscriminate parking in the interests of highway safety and residential amenity, in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).

12. The area set aside for car parking 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).

13. No development (including demolition) shall commence until wheel cleaning apparatus has been provided within the application site in accordance with details to be submitted to and approved in writing by the local planning authority prior to the commencement of the development, and which shall be operated and maintained as approved during construction of the development hereby approved.

REASON: In order to ensure that the wheels of the vehicles are cleaned before leaving the site in the interests of highway safety, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

14. The first six metres of any private access way as measured from the proposed highway boundary, shall be treated with a bound surface dressing to be submitted to and approved in writing by the local planning authority before commencement of development and thereafter implemented in accordance with those approved details and retained in that form.

REASON: To prevent the tracking out of materials onto the highway in the interests of highway safety, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

15. Before the commencement of the development (excluding demolition) hereby permitted, an accessibility statement/drawing shall be submitted to and approved in writing by the local planning authority. The details submitted shall set out measures to ensure that the buildings are accessible to all sectors of the community. The dwellings shall be designed as 'Lifetime Homes' and with one Plot to be designed to be capable of being adapted for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.

REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005.

16. Before development commences (excluding demolition) details of any proposed external lighting scheme and security measures 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).

17. Before development commences details of a Waste Management Plan (including the management of demolition waste) shall be submitted to and approved by the Local Planning Authority and thereafter implement in accordance with the approved details.

REASON: To protect the amenities of the locality and surrounding residential occupiers preventing pollution, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

18. No development hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are

submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the former Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site and the measures taken to prevent pollution of the receiving groundwater and/o surface waters;
- ii. Include a timetable for its implementation; and
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To control the risk of flooding to the development and adjoining land in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and NPPF.

19. No development (excluding demolition) shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system, incorporating details investigating exceedence flows if the storage provided is exceeded shall be submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

REASON: To ensure suitable drainage for the development in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

20. The development hereby permitted shall be implemented in accordance with the ecological scheme of mitigation/enhancement submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and NPPF.

21. If the development hereby approved is not commenced within one year of the date of this consent a further wildlife survey of the site shall be carried out to update the information on the species and the impact of development and the survey, together with an amended mitigation strategy as appropriate, shall be submitted to and be approved in writing by the local planning authority and implemented as agreed.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and NPPF.

22. Before the commencement of development a scheme for the protection of noise sensitive properties, including noise limits during construction/demolition works shall be submitted to and agreed by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

REASON: In order to safeguard and protect the amenity of neighbouring residential

occupiers and the locality, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

23. Before the commencement of demolition a detail plan of work for demolition, also detailing measures to control noise and dust shall be submitted to and agreed by the local planning authority.

REASON: In order to safeguard and protect the amenity of neighbouring residential occupiers and the locality, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)

24. Demolition or construction works (including unloading of deliveries) shall not take place outside 7.30 hours to 18.00 hours Mondays to Fridays and 7.30 hours to 13.00 hours on Saturdays and at no time on Sundays or Bank Holidays.

REASON: In the interests of the amenity of the area in accordance with Policies GEN2 and GEN4 of the Uttlesford Local plan (adopted 2005).

25. Before the first occupation of the Plots 8 and 9 hereby permitted the windows(s) at first floor flank elevational shall be fitted with obscured glazing. The window(s) shall be permanently retained in that condition thereafter.

REASON: In the interests of the amenity of surrounding residential uses in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2009) Essex Design Guide (2005) and the SPD Home Extensions.

26. 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).

27. 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).

28. 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).

29. 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.

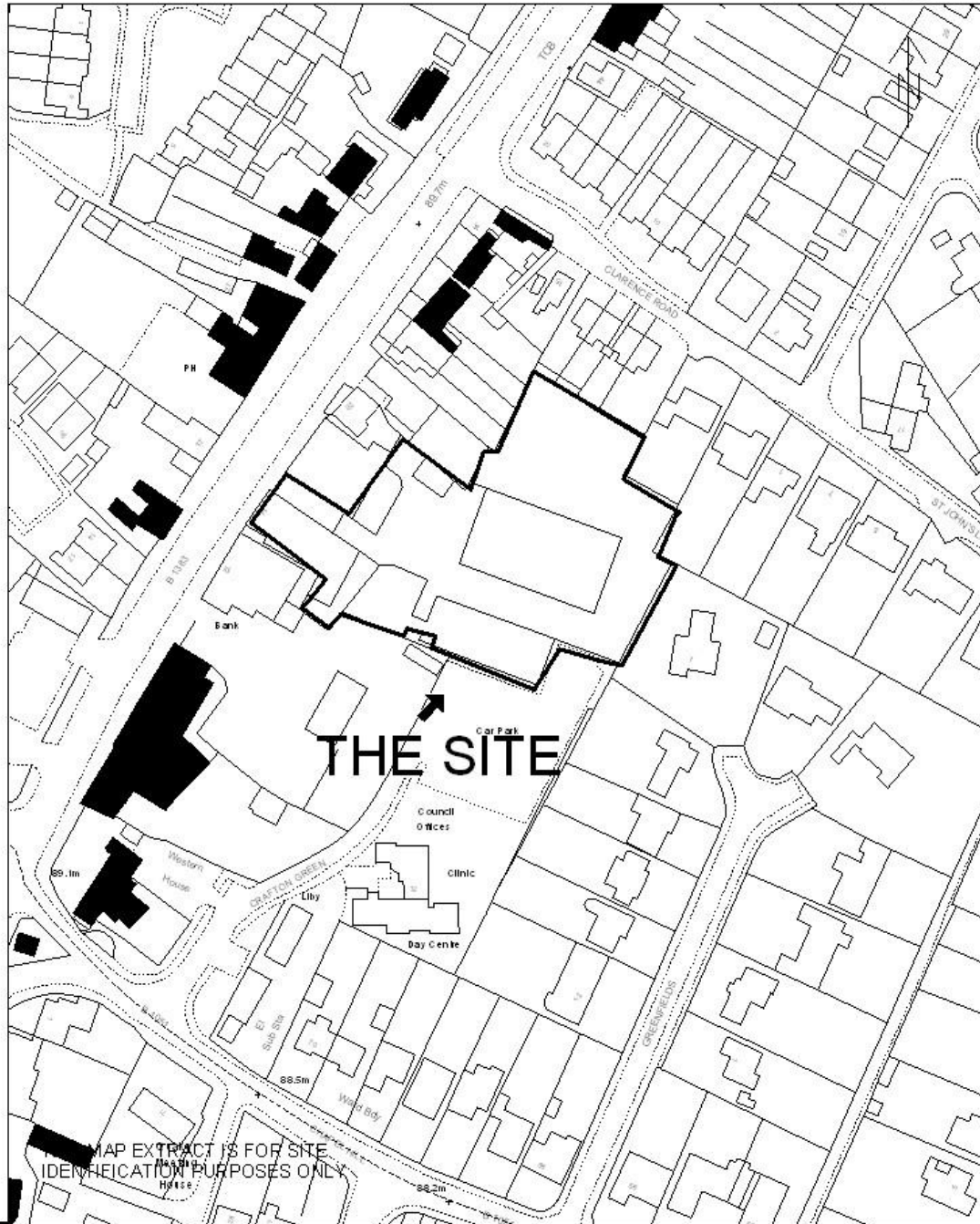
REASON: Heterogeneity of hydrogeology and historic use contamination not identified in site investigation may be present, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

30. 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 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).

*Background papers: see application file.*

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