

UTT/1441/09/FUL - STANSTED

Demolition and removal of existing petrol filling station. Erection of 13 No. 2 bed residential units together with associated parking, amenity space and services

Location: Total Garage Site 1 Cambridge Road. GR/TL 509-251

Applicant: F B Motors Ltd

Agent: Derrick Wade Waters

Case Officer: Mr N Ford 01799 510629

Expiry Date: 24/02/2010

Classification: MAJOR

NOTATION: Within Development Limits. Local Policy SM1. Affects the setting of a listed building. Group Tree Preservation Order covering the grounds of Old Bentfield Hall.

DESCRIPTION OF SITE: The application site is the Total petrol garage and forecourt which occupies a central location within the village at the corner Cambridge Road (B1383) and Bentfield Road and close to the junction with Chapel Hill. The application site is level set on a terrace as the land declines in height to the west. Here are two commercial buildings in the ownership and control of the applicant with 2-10 Bentfield Gardens beyond. Opposite to the south is a three storey residential development of flats known as Hermitage House.

To the north is a pair of two storey brick built semi detached dwellings nos. 12 and 14 Bentfield Gardens. To the east the other side of the B1383 Cambridge Road is a commercial terrace of three storey Grade II listed buildings nos. 4-8 Cambridge Road. Set back from this to the south east is Western House which is also Grade II listed.

The Conservation Area is beyond the site to its south extending down Silver Street from the war memorial.

DESCRIPTION OF PROPOSAL: The application proposes the demolition of the existing petrol filling station buildings and all associated structures and underground storage tanks, the erection of 14 two bedroom flats with access, parking and amenity space.

The building would form an acute arc sited at the corner of Cambridge and Bentfield Roads. Accommodation would be arranged over part two and part three floors. The two storey element of the building would be face Cambridge Road forming the north edge of the building. The building would be arranged with gables, parapets, dormer windows and chimney stacks.

The height would vary as the building is broken into various units. The two storey element would be about 11.5m to ridge and the highest point of the three storey element about 12.5m to ridge. Materials proposed are stock brick, render, plain clay tiles and natural slates.

The existing two access points for the garage would be closed and a new dual access and egress for the flats created onto Cambridge Road closer to the northern edge of the site. 21 parking spaces are proposed at 1.5 spaces per flat. There would be a cycle and bin/recycling store located behind a wall close to the access.

APPLICANT'S CASE including Design & Access statement: See Design and Access Statement received 25 November 2009 attached at end of report.

The application is accompanied by a TCS report updating the situation with fuel contamination following a spill in the late 1990's. A Sustainable Homes Pre-application checklist.

RELEVANT HISTORY: The garage now present on the site was granted planning permission in 1989. Since this time there have been applications for advertisement signage, changes in opening hours and an ATM but none application specifically relevant to this application for residential redevelopment.

CONSULTATIONS: Highway Authority: No objection subject to conditions.

Water Authority: Recommends that petrol/oil interceptors are fitted in all car parking/washing/repair facilities. Failure to enforce effective use could result in oil polluted discharge into local watercourses. No objection to sewerage infrastructure. Provides advice for surface water drainage.

Environment Agency: Should only be granted subject to conditions to deal with ground contamination.

ECC Education: Requests a financial contribution for early year/childcare and primary school education.

Environmental Health: A contaminated land remediation planning condition will be required.

Drainage Engineer: No details of soakaway tests are provided to support the permeability of hard surfaces. A condition should be attached.

Building Surveying: No comments. Lifetime Homes.

Energy Efficiency Surveyor: The development must comply with Code for Sustainable Homes Level 3 to 4 and the 10% renewable requirement.

Landscape Officer: Verbally indicated no objection subject to a landscaping scheme.

Conservation Officer: Has negotiated the scheme. Verbally considers that the development would relate well to the character of the area and is of appropriate scale and design so as to respect the setting of nearby listed buildings. The unit form and varying ridges of the buildings successfully helps to break the scale of the buildings and visually would appear as buildings that have evolved over time.

PARISH COUNCIL COMMENTS: Object. Over intensification. Not an urban location. Too high. Hermitage House is not a comparison for height. Would like to see petrol station retained. Concern for highway safety. No individual amenity space.

REPRESENTATIONS: Seven. Notification period expired 5 February 2010. Site Notice expired 25 December 2009. Advert expired 7 January 2010.

Comments summarised:

- The junction is already busy and dangerous without further traffic
- Not sure how petrol and diesel leakage will be cleared for housing
- There are too many flats in the area
- The garage provides a good amenity and its loss would be detrimental
- There should be adequate parking provision and turning
- 3 and 4 storey flats have already made Silver Street resemble the worst of Stortford
- The Total Garage is not over pleasing but serves a useful community purpose
- Increased traffic using poor access at remaining petrol garage in the village
- The development would appear bulky at an important corner site
- No public amenity space and minimum buffer space to pavement

COMMENTS ON REPRESENTATIONS: The Highway Authority has considered access and safety and has raised no objection. The Environment Agency and Environmental Health have raised no objection subject to a condition to deal with contaminated land. There are no planning policies to resist the loss of a petrol garage and the use of the other petrol station in the village is not relevant to the planning considerations for this site.

Issues relating to layout, scale and appearance are considered below.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are

- 1) Whether the erection of a building comprising residential flats would be acceptable in principle, be compatible with the scale, form, layout and appearance of surrounding buildings, preserve the setting of adjacent listed buildings (ULP Policies S1, SM1, GEN2, ENV2, SPD 'Energy Efficiency and Renewable Energy');**
- 2) Whether there would be any harm to the amenity of neighbouring properties by virtue of overlooking, overshadowing or overbearing impact (ULP Policy GEN2) and**
- 3) Whether there would be adequate parking provision and access to the development is acceptable in relation to highway safety (ULP Policies GEN1 and GEN8, SPD 'Accessible Homes and Playspace').**

1) The application site is located within the development limit of Stansted Mountfitchet where development is acceptable in principle subject to being compatible with the character of the settlement and other matters of detail.

Policy SM1 is a local policy particular to Stansted Mountfitchet and covers Cambridge Road including the application site. It resists the change of use of ground floor shops, restaurants, public houses and takeaways to residential uses unless the property has been advertised and the use is surplus to current and future requirements. This policy does not apply to the petrol station as its retail element is wholly ancillary to the primary use of the site which is sui generis. The policy is aimed at change of use of existing commercial premises along Cambridge Road. Representations on this matter are noted but are not matters that can be considered.

The site is prominent to public view in part due to its central corner location bounding principally Bentfield Road and the Cambridge Road and from topography, the land declining in height west away from Cambridge Road along Bentfield Road. Therefore, any development of this site would be highly visible.

Historically, such a large site will have developed spontaneously following the historic pattern of narrow frontages of varying architectural detailing and fenestration, resulting in a visually interesting street scene. The proposal would result in a development of individual units of varying elevational features and is considered acceptable. There would be a perception of individuality which would preserve the character and appearance of the area. There is a variety in the design and scale of the building that would be respectful of the area, which has a diversity of character which has evolved over time and includes chimney stacks as a fundamental element of historic roofscapes playing an important architectural role in the composition of houses. Such features are commonly found on older buildings and help to punctuate rooflines and provide visual interest. The Conservation Officer supports the design approach and considers that there would be no harm to the setting of nearby listed buildings.

The proposal comprises two bedroom flats which is an appropriate mix and complies with Policy H10 which seeks a significant proportion of smaller properties.

The development provides amenity area as communal space behind the building and adjacent to the parking area. Overall this amounts to around 210 sqm. However, some of this is incidental space and so the amount of space that would prove useful to occupiers is likely to be less and about 10 sqm for each flat. This is less than would normally be sought nevertheless it can still provide an attractive sitting out space and this is a central location within easy walking distance of the recreation ground which provides open space close to the centre of the village which occupiers would be able to make use of if they so wish. Members will recall that this is a similar approach to the scheme of flats recently approved for the Dunmow Inn site in Great Dunmow and is equally considered acceptable here.

The Landscape Officer has considered the scheme and finds no objection to the layout and suggests a condition to agree a landscaping scheme which could include planting of a hedge alongside the access wall to soften this view.

2) The building is sited so as there is adequate separation distance between upper floor windows of flats facing northwest towards 2-10 Bentfield Gardens of some 40 metres or more. There are no upper floor windows facing the front of 12-14 Bentfield Gardens. The separation between Hermitage House and the proposed building would be about 15m so intervisibility would not be significant. It is considered that the building would not be overbearing and the highest part of the building is separated by lower ranges and amenity space or the access road from existing two storey dwellings. The building separation is adequate so as not to cause shadowing that would be of significant harm to amenity with particular regard for properties in Hermitage House.

It is considered that there would likely be less disturbance to neighbours with a development of flats than the existing garage and the noise and disturbance associated with cars stopping and starting that is present. It is considered that the bin storage area be re-located to reduce noise on the boundary with 12-14 Bentfield Gardens by condition. A scheme of boundary treatment by condition is also considered appropriate.

3) Parking provision is proposed as a standard of just over 1.5 spaces per flat (160% ratio). Members of Committee will no doubt be aware that the parking standard is a maximum one (upto 2 spaces for 3 bed dwellings) and that it has been consistently accepted by the Council that 1.5 spaces for flats is acceptable in town centre locations due to increased public transport accessibility in market towns (the site is also within walking distance of the train station). As such the parking provision is considered acceptable and is well located being screened behind the building itself and a brick wall either side of the access onto Cambridge Road.

CONCLUSIONS: The proposed scheme would form an appropriate building to mark the corner of this prominent position in the village, would have a scale consistent with buildings which surround the site and a design appropriate to the area. Access, parking and amenity provision is appropriate. The application is considered acceptable subject to conditions and a legal agreement to provide education contributions.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND S106 LEGAL AGREEMENT

S106 Legal Agreement Heads of Terms:

Education contributions in accordance with ECC requirements

Conditions:

1. C.2.1. Time limit for commencement of development.
2. C.3.1.(B) To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.5.1. Samples of materials.
6. C.7.1. Slab levels.
7. C.8.15. Restriction of hours of operation.
8. C.8.29. Code level 3 to 4 Sustainable Homes requirement.
9. Compliance with 10% renewable.
- 10 Before the development hereby permitted commences, 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 site investigation results and the detailed risk assessment (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 (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 written permission of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect controlled waters.

11. 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, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To protect controlled waters by ensuring any unsuspected contamination is addressed in line with CLR 11. The history of the site and inherent limitations of site investigations mean that it is probable that pockets of contamination might not have been previously identified.

12. Before the development hereby permitted commences (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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.

REASON: To protect controlled waters by ensuring remedial actions identified and

agreed as a result of the previous two conditions have been undertaken and demonstrated to have been effective.

13. Piling or any other foundation designs using penetrative methods are not permitted other than with the 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 groundwater. The development shall be carried out in accordance with the approved details.
REASON: To protect controlled waters from contamination. Piling activities can cause residual contamination to be smeared downwards or can introduce contaminants to the subsurface by the piling materials or by creating a pathway for contaminants. Any piling must be designed and undertaken so as to limit these risks.
14. 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: To protect controlled waters.
15. Prior to commencement of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.
REASON: To prevent hazards caused by flowing water or ice on the highway.
16. Prior to occupation of the development hereby permitted the existing southern crossover shall be removed and the footpath resurfaced and kerb reinstated for use in accordance with details submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of highway safety.
17. No individual flat hereby permitted shall be occupied unless a Transport Information and Marketing Scheme for sustainable transport has been implemented which shall have been previously approved in writing by Essex County Council, to include vouchers for 12 months free bus travel within an applicable zone (covering the relevant zone as set out by the local operator and Essex County Council) for each eligible member of every residential household, valid for exchange during the first 6 months following occupation of the individual flat. Details of the uptake of the vouchers shall be provided to Essex County Council's Travel Plan Team on a 6 monthly basis as indicated in Policy F32 Essex Road Passenger Transport Strategy 2006-2011.
REASON: In the interest of accessibility and to promote the use of public transport, walking and cycling.
18. Prior to the occupation of any flat or retail unit details of external lighting shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
REASON: In the interests of amenity.
19. C.11.7. Prior implementation of residential parking.
20. All electrical and telephone services to the development shall be run underground. All service intakes shall be run internally and not visible on the exterior. All meter cupboards and gas boxes shall be positioned in accordance with details, which shall have been previously submitted to and approved in writing by the local planning authority and thereafter retained in such form. All soil and waste plumbing shall be run internally and shall not be visible on the exterior. Eaves to all roofs shall be open with expose rafter feet rather than boxed; all windows and doors in masonry walls shall be inset at least 100mm and shall be fitted with sub-cills unless otherwise agreed in writing by the local planning authority.
REASON: In the interests of visual amenity.
21. All casement windows shall be balanced with equal size panes of glass unless otherwise agreed in writing by the local planning authority.
REASON: In the interests of visual amenity.

22. Before any flat hereby permitted is first occupied provision shall be made for combined radio, TV aerial and satellite facilities to serve the development and no individual external radio, TV aerial or satellite dish or aerial shall be fixed on any individual residential property or flat or other unit of living accommodation or on any wall or structure relative thereto without the prior express grant of planning permission.

REASON: In the interests of visual amenity.

23. C.17.1. Revised plan required.

24. No building 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 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 discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or 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 for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To control the risk of flooding to the development and adjoining land.

25. C.19.1 Avoidance of overlooking.

26. Before development commences a scheme of boundary treatment shall be submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented as approved prior to the occupation of any flat.

REASON: In the interests of amenity.

Background papers: see application file.
