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8 Market Hill, Chatteris, Cambridgeshire, PE16 6BA

Conversion of rear storage area of existing restaurant at ground floor level to 1 x 1-bed manager's flat involving the insertion of 1 x side window and relocation of external staircase

Officer recommendation: Refuse

Reason for Committee: Referred by Head of Planning on advice of Committee Chairman

1 EXECUTIVE SUMMARY

- 1.1. This application seeks full planning permission for the conversion of a rear storage area of an existing restaurant to 1no. 1-bed manager's flat involving the insertion of 1no. side window and relocation of an external staircase. The site is a large brick building accessed from a grade II listed frontage on Market Hill, Chatteris. Vehicular access to the rear of the site is via Station Road. The site is located within the Chatteris Conservation Area.
- 1.2. There have been other applications relating to the conversion of part of the premises into residential accommodation, such as F/YR08/0806/F and F/YR08/0007/F that were both refused on the grounds of low levels of residential amenity and the lack of enforceability regarding occupancy conditions by the LPA. Conversely, application F/YR12/0915/F for the change of use of restaurant storage area to the rear to 1-bed manager's flat and re-positioning of fire escape was granted on 16 January 2013. This application was similar to the current application in scale and layout.
- 1.3. However, earlier planning policy did not consider the impacts of development to occupiers' residential amenity specifically or consider the principles of sustainable development, which are both significant planning considerations within the current local plan (adopted 2014) and the NPPF (July 2021).
- 1.4. Owing to the limited natural light ingress to the proposed flat the scheme will result in poor residential amenity for the occupant. Furthermore, the positioning of the waste bins and delivery point for the restaurant situated directly outside the proposed access to the flat, would give rise to the potential for noise, odour and pests that would result in sub-standard living conditions for occupants of the flat.
- 1.5. As such, it is considered the proposal is contrary to Policies LP2 and LP16 of the Fenland Local Plan and Paragraph 130 of the NPPF and is recommended for refusal.

2 SITE DESCRIPTION

- 2.1. The application site is a large brick building accessed from a grade II listed frontage on Market Hill, Chatteris. The building is a former corn exchange, cinema, and dance hall, most recently used as a restaurant.
- 2.2. The main section of the building is not visible from Market Hill, with an access provided centrally through the building frontage. Some views are possible of the building from the area to the west of the site. An alternative vehicular access is located off Station Street to the north.
- 2.3. The main section of the building is a large structure under a dual pitched roof, and a secondary more recent section under a flat roof is located to the west.

3 PROPOSAL

- 3.1. This application seeks full planning approval to convert the ground floor area of the flat roof section of the building, that currently comprises ground floor staff rooms, storage area and shower room into a manager's flat. The flat is proposed to include one bedroom, a living/dining/kitchen area, a storage cupboard and bathroom.
- 3.2. To facilitate this conversion, it is proposed to relocate an existing external staircase approximately 1.7m to the west and extend the upper landing platform to accommodate. Beneath the landing, it is proposed to include a new entrance doorway and new window opening.

4 SITE PLANNING HISTORY

F/YR21/0413/F	Installation of an extraction flue (retrospective)	Pending
F/YR20/0550/F	Relocation and installation of kitchen extract duct to flat roof at rear (retrospective)	Refused 03.09.2020
F/YR19/0907/F	External works to a listed building involving the replacement of the front door	Granted 16.12.2019
F/YR19/0908/LB	External works to a listed building involving the replacement of the front door	Granted 16.12.2019
F/YR19/0803/F	Re-open 6no. window apertures in North elevation and 3no. window apertures on South elevation	Granted 11.12.2019
F/YR18/0818/F	Conversion of rear part of existing restaurant at first floor level to a 2 x 2-bed flats involving the insertion of 3 x side windows	Withdrawn 05.11.2018
18/0029/PREAPP	Conversion of part of first-floor to 2 flats and reinstatement of first-floor windows to restaurant	Closed 23.04.2018
F/YR12/0915/F	Change of use of restaurant storage area to the rear to 1-bed manager's flat and re-positioning of fire escape	Granted 16.01.2013
F/YR10/0357/F	Formation of smoking area on existing flat roof to rear involving installation of staircase with glazed canopy and 1.8m high timber screening (retrospective)	Refused 07.07.2010
F/YR08/0806/F	Change of use of lower ground floor to 3-bed flat for accommodation for restaurant staff	Refused 30.10.2008
F/YR08/0007/F	Change of use of lower ground floor to dormitory accommodation for restaurant staff	Refused 28.02.2008

N.B. Further site history is available for application site and adjacent sites, omitted for conciseness.

5 CONSULTATIONS

5.1. Conservation Officer (FDC)

This application concerns the conversion of a rear storage area to the existing restaurant at ground floor level to a single 1 bed flat, necessitating the insertion a window and relocation of the existing fire escape staircase. The building was originally the Corn Exchange, but the ceiling was lowered when it was converted to the Palace Cinema and 1938 it became a dance hall. The building therefore played a considerable role in local history, and has now been converted to restaurant, which this extractor flue serves. The former public hall is associated with No. 4,6,8 and 10 Market Hill which are grade II listed as a range of mid-19th century shops. However, the hall is explicitly excluded from the listing. The element affected by this application is a later flat roofed extension, which dates to the second half of the 20th century, but planning history does not indicated exactly when it was built. The site lies within Chatteris Conservation Area and although within proximity to nearby listed buildings, the works which are the subject of this application, will not impact on the setting of any of them.

There is significant planning history on this site and relevant applications include F/93/0704/F which granted permission for the installation of the current external fire-escape stairs and the external alterations including bricking up window openings and replacement of external doors; F/YR08/007/F and F/YR08/806/F to change the space to accommodation for restaurant staff (refused); F/YR12/0915/F to convert the space to a flat including repositioning the fire escape (approved); F/YR18/0818/F to convert the space to two, 2 bed flats involving the insertion of 3 side windows (withdrawn).

Consideration is given to the impact of this proposal on the character and appearance of the Chatteris Conservation Area with due regard to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal put forward is acceptable. The following comments are made:

- i. The scheme involves minimal work and alteration to the north elevation, with the introduction of a single door and window and repositioning of existing stairs. Given the lack of architectural merit of this element of the building, the disconnect from the listed building to the front, and the location of the site, set well back within the boundary, it is not felt that there is any impact on the setting of any nearby listed buildings, or on the character and appearance of the conservation area.*

CONDITIONS Prior to commencement of works full joinery details for the door and window (scale 1:10) including vertical and horizontal sections (or full product information) shall be submitted to and approved in writing by the local planning authority and works shall be carried out in accordance with the approved details.

Recommendation: Approve subject to condition

5.2. Chatteris Town Council

Support subject to the flat only being used as accommodation for a member of staff.

5.3. Cambridgeshire County Council Highways Authority

The proposed will not result in any material highway impact. No highway objections.

5.4. Senior Archaeologist (CCC)

Thank you for your consultation. We have reviewed the above referenced planning application and have no objections or requirements for this development.

5.5. Environment & Health Services (FDC) – Original comments received 26.05.2021

I refer to the above application where the following observations are made.

In an earlier consultation that sought a similar scheme at the same application site, we advised as the proposal involved converting part of a building associated with a restaurant/fast food outlet, the applicant should have regard to both noise and odour. We note from this latest application this does not appear to have been covered or that it demonstrates how noise and odour will be mitigated.

Our records show that complaints have been made by residents living in the area concerning smoke and odour originating from the adjacent restaurant since it began trading in 2019.

Further information will be required in terms of improved drawings showing existing use of the building(s) involved and how the provision of an additional residential unit will not be affected by commercial activity immediately adjacent. Sound insulation performance separating the commercial unit and the proposed residential flat will be essential in this type of application and details of noise and odour mitigation will need to be clearly defined.

Given that a number of complaints have been made about these premises associated with smoke and odour nuisance, it is likely that a quality living environment may not be possible at the application site.

5.6. Environment & Health Services (FDC) – Reconsultation comments received 16.09.2021

I refer to the above application for further consultation.

In our last consultation of 26th May 2021 we advised the applicant should have regard to both noise and odour as the proposal involved converting part of a building associated with an existing restaurant/fast food outlet. We note from the further information provided that noise and odour has been partly addressed by the submission of a drawing and technical specification for a proposed extractor unit.

The Environmental Health Team has reviewed the application and further supplied information and would advise it does not sufficiently address the

potential for environmental impacts or unwanted disturbance as a result of existing hot food premises and other commercial activity in the area.

We previously advised a number of complaints had been made by residents living in the area concerning smoke and odour originating from the adjacent restaurant since it began trading in 2019. The requirements for enhanced sound insulation including noise and odour mitigation measures is essential when sensitive use is being proposed in close proximity to existing sources of potential environmental nuisance. We note from the submitted information it does not address these concerns nor does it offer sufficient natural light for the future occupier as a result of the proposed storage room conversion.

The application site is to be accessed by a private service yard that is understood to serve the restaurant in terms of deliveries, waste bin emptying and other associated commercial activity. Residential use requires greater thresholds if quality living environments are to be achieved, the use of such a yard in these circumstances therefore, is likely to conflict against the interests and sensitive needs of a future occupier living at the proposed location in terms of additional noise from deliveries to waste bin emptying. Furthermore, the storage of waste commonly found in service yards presents additional environmental health risks including the potential for rodent infestations.

We would advise the storage room previously used by the restaurant to be converted into a residential dwelling having made the above observations is not ideal and as a quality living environment is therefore unlikely to be achieved, this service is unable to support this application.

5.7. Local Residents/Interested Parties

The LPA received two letters of objection from one address point in relation to this application. The reasons for objection were cited as:

- Access
- Design/Appearance
- Devaluing property
- Loss of view/Outlook
- Noise
- Overlooking/loss of privacy
- Parking arrangements
- Proximity to property

Issues regarding land ownership were cited, and amendments to the Ownership Certificate were sought in this regard.

Comments regarding the repositioning of the staircase were offered, suggesting that this would pose an overlooking risk to the adjacent property 9 Park Street. In addition, concerns regarding parking provision for the property were raised as they appeared to be positioned on land that was owned by a third party, and that the applicant merely has pedestrian right of way on the driveway.

Whilst land ownership is a civil matter and is not a material planning consideration, issues relating to overlooking and parking are considered in more detail below.

6 STATUTORY DUTY

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

7 POLICY FRAMEWORK

- 7.1. **National Planning Policy Framework (NPPF) July 2021**
Para 47 – Applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise;
Para 130 – Planning policies and decisions should ensure developments are of a quality design and are sympathetic to local character and history;
- 7.2. **National Planning Practice Guidance (NPPG)**
Determining a Planning Application
- 7.3. **National Design Guide 2019**
C1 – Understand and relate well to the site, its local and wider context
I1 – Respond to existing local character and identity
H1 – Healthy, comfortable and safe internal and external environment
H2 – Well-related to external amenity and public spaces
L1 – Well managed and maintained
- 7.4. **Fenland Local Plan 2014**
LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP16 – Delivering and Protecting High Quality Environments
LP18 – The Historic Environment

8 KEY ISSUES

- **Principle of Development**
- **Design, character and the impact on the historic environment**
- **Impact on neighbouring amenity**
- **Impact on occupier amenity**
- **Parking**
- **Flood Risk**

9 BACKGROUND

- 9.1. There is considerable planning history on this site, including, most recently, F/YR18/0818/F that sought planning approval for the conversion of rear part of existing restaurant at first floor level to a 2 x 2-bed flats involving the insertion of 3 x side windows. The 2018 application sought to convert, in part,

the same area as proposed within this application. Concerns by the case officer at the time in respect of the 2018 application related to the following:

- Insufficient information provided regarding the potential impact of the existing restaurant in terms of noise, disturbance and odour;
- The proposal does not provide quality living accommodation, for example the only windows to 2 of the bedrooms are current obscure glazed;
- There is no amenity space or bin or cycle stores;
- There is insufficient parking and the access has potential for vehicle and pedestrian conflict and issues with deliveries to the restaurant.

9.2. Owing to the above concerns, the application was withdrawn rather than progressing to refusal.

9.3. There have been other applications relating to the conversion of part of the premises into residential accommodation, such as F/YR08/0806/F and F/YR08/0007/F that were both refused on the grounds of low levels of residential amenity and the lack of enforceability regarding occupancy conditions by the LPA.

9.4. Conversely, application F/YR12/0915/F for the change of use of restaurant storage area to the rear to 1-bed manager's flat and re-positioning of fire escape was granted on 16 January 2013. This application was similar to the current application in scale and layout with the addition of windows and an entrance door to the northern elevation and the repositioning of the external staircase. Consideration of this application concluded that the formation of a 1-bed flat tied to the premises would create a low level of occupancy and would not result in concerns arising on the previous applications relating to the number of inhabitants proposed, and that creation of the flat could assist in getting the building back into use.

10 ASSESSMENT

Principle of Development

10.1. The site is located in within the urban area of Chatteris. Moreover, the site falls within the designated heritage asset of the Chatteris 2009 Conservation Area. The NPPF suggests that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Similarly, any harm to the significance of the designated heritage asset should be weighed against the public benefits of the proposal.

10.2. Policy LP18 of the Fenland Local Plan 2014 seek to protect and enhance heritage assets.

10.3. Policy LP16 supports the principle of development subject to the significance of, and the likely impact on, the amenity of neighbouring properties and users in its design and appearance.

10.4. Policy LP2 seeks to ensure that development does not result in harm to the amenity of the area or the environment in general.

10.5. The principle of the development is acceptable subject to the National Planning Policy Framework and policy considerations set out below.

Design, character and the impact on the historic environment

- 10.6. The Conservation Officer had no objections to the proposals, and summarised the impact of the scheme as follows:
- 10.7. *The scheme involves minimal work and alteration to the north elevation, with the introduction of a single door and window and repositioning of existing stairs. Given the lack of architectural merit of this element of the building, the disconnect from the listed building to the front, and the location of the site, set well back within the boundary, it is not felt that there is any impact on the setting of any nearby listed buildings, or on the character and appearance of the conservation area.*
- 10.8. Glimpses of the northern elevation are visible from Station Street through the gap created by the access driveway leading to the property. Owing to the location of the northern elevation set back from Station Street, any alterations to the visible elevation will offer negligible impacts within the streetscene.
- 10.9. Therefore, owing to the above, it is considered that the proposal is compliant with Policies LP16 and LP18 with regard to its design and impact on the historic environment.

Impact on neighbouring amenity

- 10.10. The scheme includes no proposals to create additional windows or openings that will result in any additional overlooking potential to neighbouring dwellings. In addition, there will be no additions or changes in height that will result in any overshadowing potential.
- 10.11. The proposal will see the extension of the first floor landing of an external staircase being moved approximately 1.7m closer to an adjacent boundary. During site observation by the Case Officer, it was noted that the existing landing and staircase offers some overlooking potential to neighbouring land owing to its height. However, it is considered that whilst the staircase landing will be positioned closer to a neighbouring boundary, there will be no increase in height, and as such the overall impact of any overlooking potential as a result of this would be similar to the existing situation. As such, it is considered that refusal of the scheme on the grounds of overlooking from the repositioned staircase landing would be unreasonable.

Impact on occupier amenity

- 10.12. The proposal seeks to alter a ground floor internal storage area into a 1-bed flat with the inclusion of a new ground floor entry door and window to serve an intended lounge area. There are no other new openings proposed.
- 10.13. The new door and window will be positioned beneath the proposed external staircase landing on the northern elevation. Owing to the positioning to the northern side and the landing situated over, the ingress of natural light into the proposed window and door will be limited. Furthermore, an existing ground floor window is proposed to be retained, but obscure glazed, to serve the intended bedroom. Thus, owing to the limited natural light ingress to the proposed lounge area and lack of visibility due to the obscured outlook from

the bedroom, both living spaces will result in poor residential amenity for the occupant.

- 10.14. Furthermore, the flat would be positioned at the end of the driveway to the rear of the restaurant, that serves as a service yard for deliveries and waste removal. During site inspection, it was noted that the restaurant bins were positioned at the bottom of the existing staircase and there was no alternative space for the bins to be relocated. As such, occupant residential amenity will be poor, given the positioning of the waste bins and delivery point for the restaurant situated directly outside the proposed access to the flat. This would give rise to the potential for noise, odour and pests that would result in sub-standard living conditions for occupants of the flat.
- 10.15. These concerns were also highlighted by the Environmental Health Team, who concluded they could not support the scheme owing to its inability to achieve high levels of residential quality.
- 10.16. Thus, given the above considerations, it is considered that the level of residential amenity afforded to future occupants of the flat would be of sub-standard quality, in contravention of Policies LP2 and LP16 of the Fenland Local Plan and Paragraph 130 of the NPPF and not mitigated by the fact that occupancy is indicated as being in connection with the existing use.

Parking

- 10.17. The submitted site plan suggests that parking for two vehicles would be possible at the end of the access driveway where it meets Station Road. However, this parking provision is considered unrealistic and unable to be achieved on-site, given the need for continuous access to the rear of the restaurant for deliveries and waste collections. During site inspection the Case Officer observed that the access driveway would not offer sufficient space to enable parking for occupants of the flat without obstructing the narrow access driveway. As such, the parking provision shown is concluded to not be achievable and thus there would be no available parking for the flat within the curtilage of the site, resulting in the application being in contravention of the parking requirements for new developments set out within Policy LP15.
- 10.18. Notwithstanding, owing to the site constraints, the town centre location of the flat and the level of accommodation within the proposed flat amounting to one bedroom, it would be unreasonable to justify a refusal of the scheme due to the under-provision of parking in this case.

Flood Risk

- 10.19. The site lies within Flood Zone 1 and is an existing developed site with established drainage. Accordingly it is considered there are no issues to address with regard to Policy LP14.

11 CONCLUSIONS

- 11.1. Considering the planning history, whilst it is acknowledged that a similar application (F/YR12/0915/F) for the change of use of restaurant storage area to the rear to 1-bed manager's flat and re-positioning of fire escape was granted on 16 January 2013, it should be noted that at the time of the

application the premises were vacant and not utilised as a commercial restaurant as currently exists. As such, the use of this part of the building was considered to be acceptable as it would bring part of a vacant building back into some viable use. However, this application was considered against policies of an earlier development plan (adopted 1993), in particular Policy E8, which considered that new developments should:

- i) Retain and enhance of special features of the site (trees, hedges, etc);
- ii) Include compatible design features congruent with the surrounding landscape and built form;
- iii) Have regard for amenities of adjoining properties and the locality in general; and
- iv) Provide adequate access, parking, manoeuvring and amenity space.

11.2. This earlier planning policy did not consider the impacts of development to occupiers' residential amenity specifically or consider the principles of sustainable development, which are both significant planning considerations within the current local plan (adopted 2014) and the NPPF (July 2021).

11.3. As such, current local and national planning policies including Policies LP2 and LP16 of the Fenland Local Plan seek to ensure the health and wellbeing of occupiers through the creation of high quality residential accommodation. This is supported by part (f) of Paragraph 130 of the NPPF that requires new developments to *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.*

11.4. Thus, given the above, it is considered that the proposal for the conversion of the rear ground floor storage area of the existing restaurant to 1 x 1-bed flat involving the insertion of 1 x side window and the relocation of the external staircase would result in poor levels of residential amenity due to the lack of natural light ingress and impacts to environmental health and amenity owing to the proximity of the flat to a commercial service yard. As such, it is considered the proposal is contrary to the requirements of both local and national planning policies and cannot be supported. Thus, an unfavourable response is forthcoming.

12 RECOMMENDATION

12.1. **Refuse**, for the following reasons:

1	<p>Policies LP2 and LP16 of the Fenland Local Plan and Paragraph 130 of the NPPF seek to ensure the health and wellbeing of occupiers through the creation of high quality residential accommodation. By virtue of the lack of natural light ingress, poor outlook from existing and proposed openings and detrimental impacts to health and wellbeing owing to the proximity of the proposed flat to a commercial service yard at the rear of a restaurant, it is considered that the proposal for the conversion of the rear ground floor storage area of the existing restaurant to 1 x 1-bed flat involving the insertion of 1 x side window and the relocation of the external staircase would result in poor levels of residential amenity for its occupant(s). As such, the proposal is contrary to the requirements of the aforementioned local and national planning policies and cannot be supported.</p>
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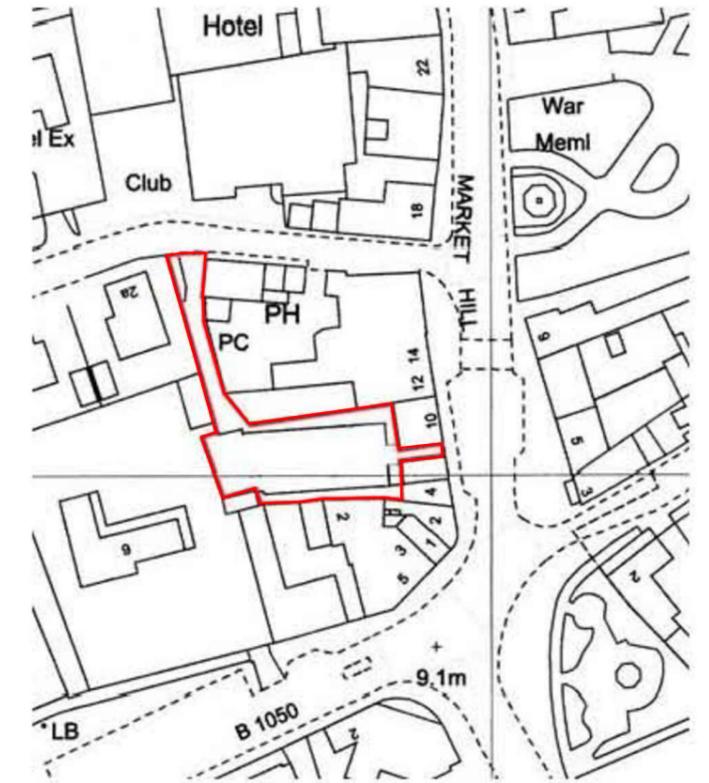
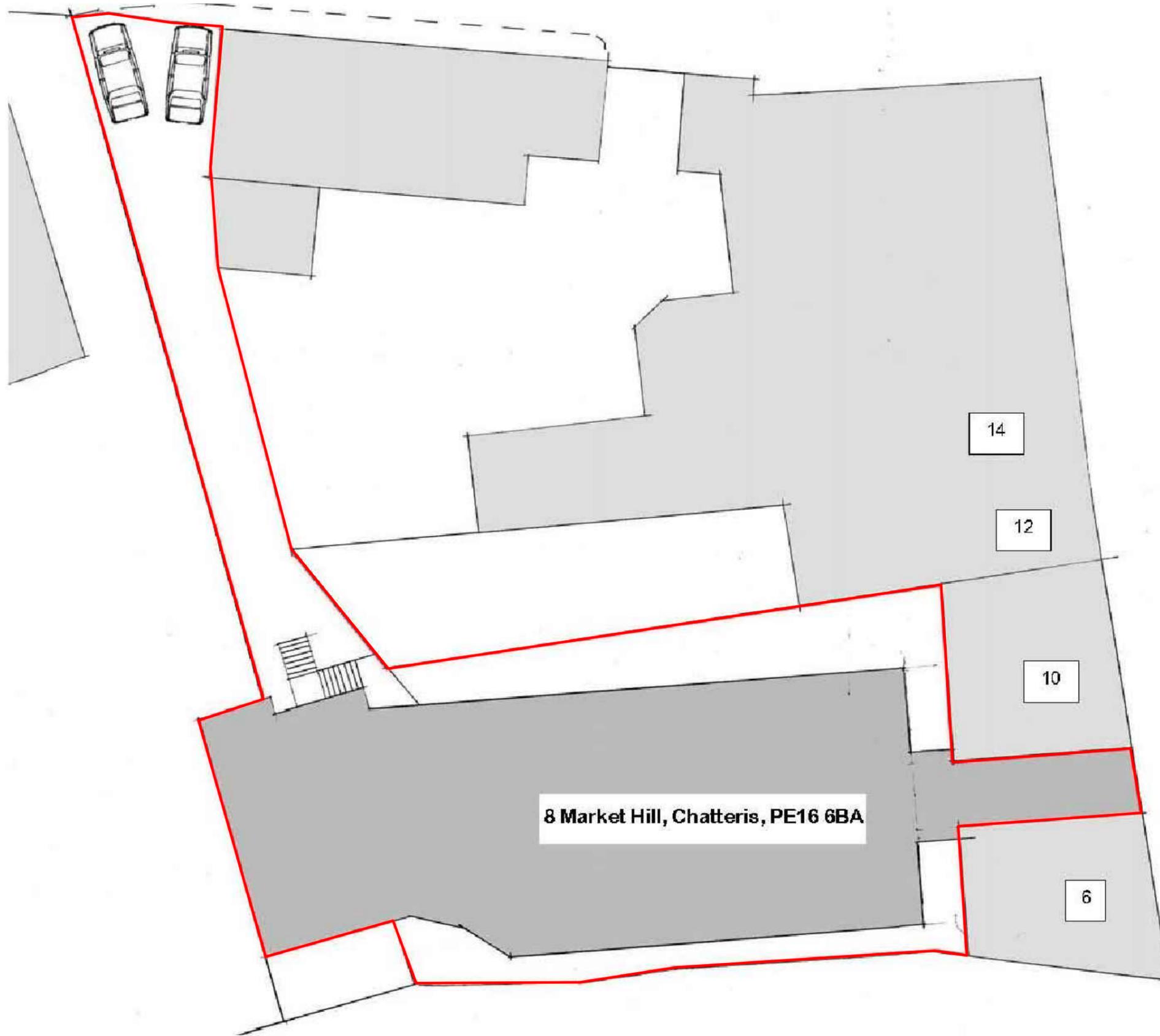
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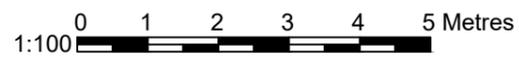
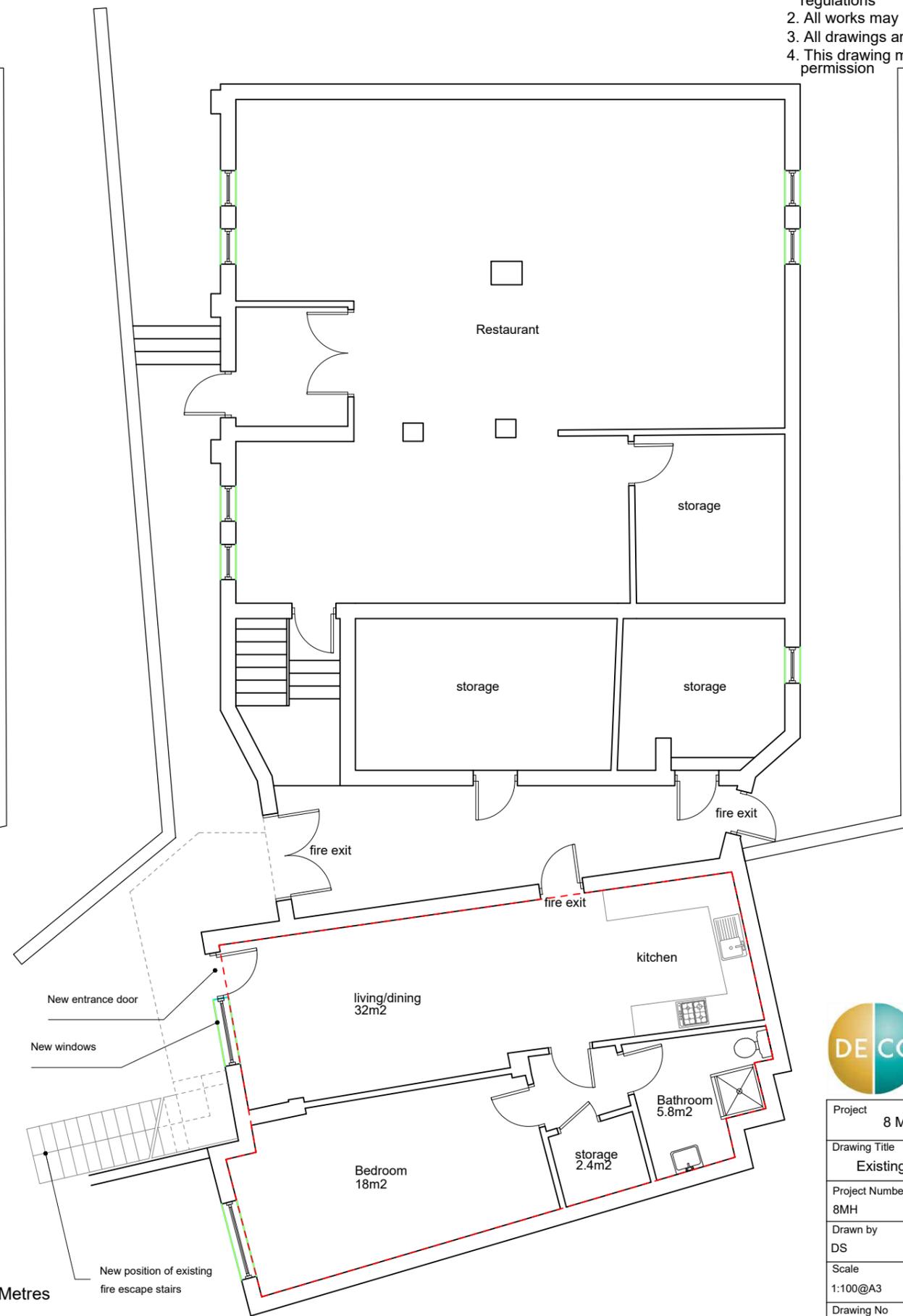
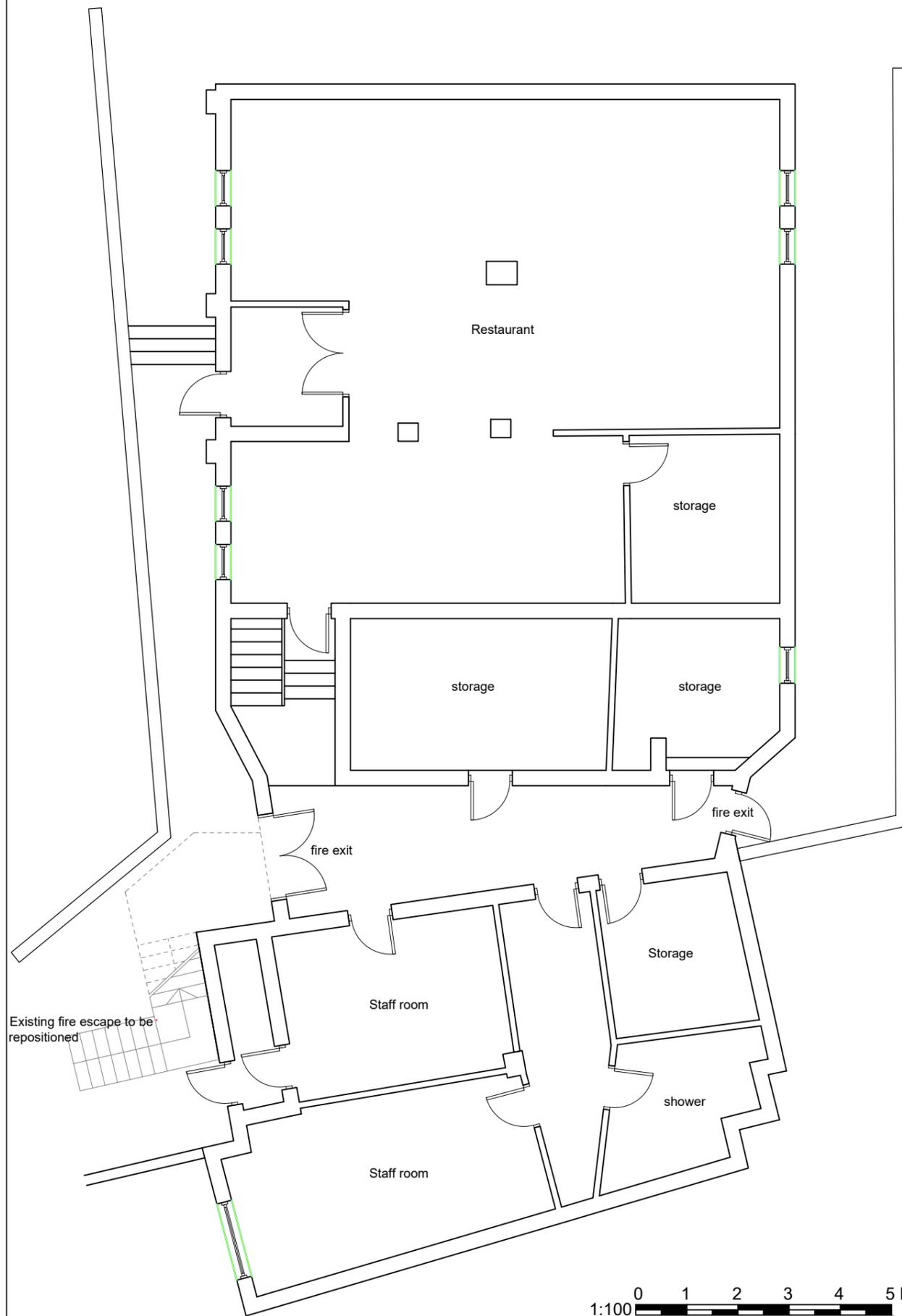


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Project	
8 Market Hill, Chatteris, PE16 6BA	
Drawing Title	
Location and Site Plan	
Project Number	Date
8MH	1210/2020
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Scale	Revision
1:1250, 1:200@A3	-
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Project Number	Date	8MH	01/02/2021
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Scale	Revision	1:100@A3	A
Drawing No	P-01		