

F/YR18/0117/F

Applicant: Chatteris Development Ltd Agent : Morton & Hall Consulting Ltd

Land East Of Hereward Court, Railway Lane, Chatteris, Cambridgeshire

Erection of a 2-storey block of flats comprising of 4 x 1-bed

Reason for Committee

Chatteris Town Council supports the application contrary to the recommendation.

1 EXECUTIVE SUMMARY

The proposed block of four flats is within an area of existing flats and occupies land currently available for car parking. It is situated close to the town centre of Chatteris and is considered a sustainable location. The proposal indicates a total provision of 9 parking spaces (in two facing rows of 4 and 5 with a space of only 5 metres between each row. The space available to manoeuvre and access the parking is considered to be insufficient. Parking standards set in the Fenland Local Plan require 5 spaces for this proposal. The proposal is therefore considered to provide insufficient parking and is likely to result in a cramped parking layout and resulting impact on vehicular access out of character to the area. The proposal is therefore considered contrary to Policy LP15 (c) and LP16(d).

2 SITE DESCRIPTION

- 2.1 The application site is located on the eastern side of Railway Lane in Chatteris to the rear of Hereward Court a two-storey block of flats fronting Railway Lane. To the rear are 6 flats (Coach House Court) and the rears of shops with flats above on High Street. The site provides car parking for Coach House Court flats and is the access for parking for Hereward Court and the rear of properties on High Street. It is noted that the applicant's amended plans indicate one flat is currently derelict and therefore unused. On visiting the site there were large waste bins positioned in the access drive, either shared by residents or used by the commercial properties on the High Street. It appears that a number of properties share the use of this access and the hardstanding.
- 2.2 The site is within the Chatteris Conservation Area and is within Flood Zone 1 an area at lowest risk of flooding.

3 PROPOSAL

- 3.1 The application comprises of a 2-storey block of 4 one-bed flats located on what is currently land used as car parking at the rear of Hereward Court. The building is of simple design with a pitched roof and gable construction. The building is designed so that there is a blank rear wall facing the rear of Hereward Court resulting in no

windows overlooking Hereward Court. There will be a separation of 11 metres from the rear of flats on Hereward Court to the blank rear wall of the proposed flats. The development provides a small grassed area of communal amenity space. The agent has amended the plans to reduce the width of the proposed block of flats from 10.8 to 9.9 (approximate) and submitted a revised parking layout indicating provision of an additional parking space now totalling 9 spaces. However the space between the rows of vehicles remains at 5 metres.

3.2 Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=P348NEHE01U00>

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR14/0442/F	Conversion of 2no flats (2 x 2-bed) to form 4no x 1-bed flats 32A High Street And 6 Coach House Court Railway Lane Chatt	Granted	09/01/2014
F/YR08/0953/F	Conversion of first-floor 2-bed flat to 2 x 1-bed flats including insertion of window at first-floor level 1 Coach House Court Railway Lane Chatteris Cambridgeshire	Granted	15/12/2008
F/YR08/0880/F	Conversion of 2 flats to form 4 x 1-bed flats 32A High Street And 6 Coach House Court Railway Lane Chatt	Granted	18/11/2008
F/YR08/0160/F	Erection of 4 x 1-bed flats Coach House Court Railway Lane Chatteris Cambridgeshire P	Granted	21/05/2008
F/1257/87/O	Erection of six one-bed flats/bedsits Railway Lane Chatteris	Granted	19/02/1988
F/0742/87/O	Erection of a block of 8 flats Railway Lane Chatteris	Refused	12/11/1987
F/0453/84/F	Conversion of shop into two shop units 34 High Street Chatteris Cambridgeshire PE16 6BG	Granted	24/07/1984
F/0712/84/F	Use of approved shop unit as Insurance Brokers office 34 High Street Chatteris Cambridgeshire PE16 6BG	Granted	10/01/1984
F/0030/83/F	Conversion of 9 flats and use of showroom as a shop with builders yard at rear 34 High Street Chatteris Cambridgeshire PE16 6BG	Granted	29/04/1983

5 CONSULTATIONS

Chatteris Town Council

5.1 F/YR18/0117/F - Support, request that the old stones on the site which have clearly been preserved in the past are retained. Also request that the bricks compliment Coach House Court not Hereward Court

CCC Highways

5.2 The proposal only looks to provide an additional 2/3 parking spaces. To accord with FDC's local plan the applicant should be providing a minimum of 5 spaces.

The parking spaces should also have a forecourt depth of 6m to allow a vehicle to manoeuvre in and out of a space. FDC should be mindful of the above when determining this applicant and how this could have an impact on residential amenity. The LHA is concerned regarding the suitability of the access to serve additional development as it is in a poor state of repair, ideally this should be surfaced as part of this application. CCC Highways have seen the amended parking layout and confirm that there is insufficient manoeuvring space. If members were minded to approve a condition would be required to ensure parking provision takes place.

Objectors

- 5.3 Objections received from 3 residents of the existing flats referring to the following:
- The proposed layout is not deliverable. There is not enough parking for 8 cars where stated. There is only parking for 4 cars in that section and that is providing that people park correctly.
 - Residents currently park where they are planning to build reducing current capacity. By building the additional flats it will significantly reduce parking capacity for all residents. There will only be 4 spaces for 10 flats and that isn't including the people who park there from 34 high street (the objector is unsure how many people live in there)
 - it will detrimentally affect the residents already living here.
 - The proposal is an eyesore,
 - The private drive is in need of resurfacing rather than new flats.
 - Traffic safety concerns due to heavy traffic on Railway Lane at peak times,
 - No need for more flats which come with Anti-social problems,
 - The proposal is over development.

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 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

- 7.1 Paragraph 2: Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise
Paragraph 14: Presumption in favour of sustainable development.
Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.
Paragraph 32: Development should only be refused on transport grounds where the residual cumulative transport impacts are severe.
Paragraph 47: Supply of housing.
Paragraph 49: Applications for planning permission for housing are determined in

accordance with the presumption in favour of sustainable development.

Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Paragraphs 100-104: Development and flood risk.

Paragraph 109: Minimising impacts on biodiversity.

Paragraph 111: Encourage the effective use of land by re-using brownfield land.

Paragraph 128: Archaeological interests in a site.

Paragraphs 203-206: Planning conditions and obligations.

National Planning Practice Guidance (NPPG)

Fenland Local Plan 2014

- 7.4 LP2 Health and Well Being
 - LP3 Spatial Strategy, the Settlement Hierarchy
 - LP4 Housing
 - LP12 Rural Areas Development Policy
 - LP14 Responding to Climate Change
 - LP15 Sustainable Transport Network
 - LP16 High Quality Environments
 - LP18 The Historic Environment
- 7.5 Cambridgeshire County Council Flood and Water SPD

8 KEY ISSUES

- **Principle of Development**
- **Five Year Housing Land Supply**
- **Character and Amenity**
- **Risk of flooding and drainage**
- **Housing Need**
- **Highways safety and Parking**
- **Sustainability**
- **Planning Balance**

9 BACKGROUND

- 9.1 A similar permission was granted in 2008. A plan was submitted indicating a total provision of 7 parking spaces serving all the flats in the area. However it should be noted that this decision was prior to the adoption of the Fenland Local Plan in 2014 and therefore the implementation of the adopted car parking standards.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 considers Chatteris to be a Market Town where the majority of Fenlands growth should occur. The site which is predominantly hard surfaced effectively represents a brownfield site. Therefore the principle of development is considered to be acceptable subject to compliance with all other policies.

Five Year Housing Land Supply

- 10.2 Under the NPPF, Local Planning Authorities are required to have and to be able to demonstrate a five year supply of housing. The Council's five year land supply was recently tested on appeal in relation to a proposal for 6 dwellings on land south west of Syringa House, Upwell Road, Christchurch (reference No. F/YR16/0399/O). The Inspector in upholding this appeal and granting planning permission concluded, on the basis of the evidence presented to him, that the Council is currently unable to robustly demonstrate a five year land supply (the supply available is approximately 4.93 years).
- 10.3 The Inspector concluded that applications must be determined in accordance with the National Planning Policy Framework (NPPF). Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of housing. Paragraph 14 states that for the purposes of determining planning applications, this means that applications for housing can only be resisted where the adverse impacts of approving a scheme would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. In considering which policies are 'relevant policies' for the supply of housing, regard needs to be had to the outcome of the decision in *Richborough Estates Partnership LLP v Cheshire East Council and Suffolk Coastal DC v Hopkins Homes Limited* (2017) which was considered in the Supreme Court.
- 10.4 In summary this decision concluded that only those local plan policies relating to housing distribution and numbers are out of date and all other local plan policies remain relevant.
- 10.5 Whilst initially in response to this appeal decision the LPA took the view that Policies LP3, LP4 and LP12 were policies that influenced the supply of housing and as such were rendered out of date this view has been revisited given the outcome of an appeal decision which comes after the Syringa House decision. This most recent decision in respect of 2 no dwellings at land north-east of Golden View, North Brink, Wisbech (reference No. F/YR16/1014/F) clearly highlights that whilst LP3 and LP12 may have an effect on the supply of housing they are primarily concerned with directing most forms of development, including housing, to the most sustainable locations and limited development in the countryside for its protection and on this basis neither is a policy for the supply of housing.
- 10.6 When a Local Planning Authority cannot provide a 5 year supply of housing it must trigger the 'Tilted balance' of a presumption of sustainable development. It still remains to assess the application against existing up-to-date policies. However, the weight given to these policies is a matter for the decision-maker subject to the degree of conformity with the NPPF and the degree of shortfall of the land supply.

Character and Amenity

- 10.7 The site is within the Chatteris Conservation Area. However the existing site adds minimal value to the character of the heritage asset. There are significant recent buildings adjoining or near to the application site. The Town Council highlight the need to retain historic stones on the site and to use materials more appropriate to the wider conservation area. It is considered that these matters could be successfully safeguarded by planning condition. The Conservation Officer has no objection. As such the proposal is not considered likely to result in harm to the special historic interest or character of the Chatteris Conservation Area and accords with Policy LP18.

- 10.8 Policy LP16(d) considers the impact of the development on the wider area. The proposed building is similar in appearance to a pair of semi-detached houses with simple pitched roof and gable flank wall design, similar to nearby properties. This is likely to lead to an unduly cramped form of development in layout form contrary to the character of the area. In this respect it is considered to be contrary to Policy LP16(d).
- 10.9 Policy LP16(e) addresses the impact of development upon residential amenity. Policy LP2 also promotes 'well-being' seeking to avoid adverse impacts from development. It is considered that there will be no overlooking of neighbouring properties. There is an 11 metres separation between the rear of Hereward Court and the proposed rear two-storey blank wall(to an eaves height of 5 metres). It is not considered this juxtaposition is likely to result in an over-dominating impact on the residents of Hereward Court. However as the applicant has failed to demonstrate that a satisfactory car parking layout can be achieved, it is considered the proposal is likely to lead to cars parked in cramped haphazard fashion impacting upon the ability of anyone wishing to access or park in the site. The application does not includes details of waste collection storage. It appears from visiting the site that residents place bins in the site access. This is likely to result in further issues of cramped vehicular movements in the reduced space. It is considered that this will result in adverse impact to existing residents of the flats and future occupiers of the development. The proposal is therefore considered to conflict with Policy LP16(e) of the Fenland Local Plan.

Risk of flooding and drainage

- 10.10 The site is within Flood Risk Zone 1 an area at lowest risk of flooding. The proposal is therefore considered to pass the sequential test.

Highway Safety and Parking

- 10.11 Policy LP15 requires development to provide well designed, safe and convenient access for all and well designed Car and Cycle parking appropriate to the amount of development proposed. Policy LP2 requires development to avoid adverse impacts. The Local Highway Authority did not object on highway safety grounds requesting a condition to deliver the car parking proposed. However the LHA highlighted the adopted policy requirement for parking and the need to provide appropriate space. There are 6 existing flats (albeit one may be currently unoccupied) that utilise Coach House Court for car parking. It is further understood that flats fronting High Street may have parking or servicing access requirements off Hereward Court. This proposal adds 4 additional flats which itself requires an additional 5 spaces. The proposed parking spaces will not provide the minimum of 6 metres separation between the rows of parking, (the scheme can only provide 5 metres) therefore it will have insufficient space between the rows to enable safe manoeuvring to take place. This will result in residents being unable to access and exit the car park in a safe and satisfactory manner and will suffer the nuisance of being unable to park or access near to their dwellings. The amended proposal seeking to provide a ninth parking space results in an access space of only 2.4 metres between the parked car and the corner of the proposed flats. This is considered significantly cramped as vehicles need to turn the corner into the car park. When fully parked there will also be no access to the rears of property on High Street. It is considered therefore that the proposal does not provide a well - designed safe and convenient access or car park or cycle parking.

If vehicles cannot park off road they would need to access alternative car parking. There are no public car parks on the western side of High Street near to the site.

There are parking restrictions on Railway Lane outside Hereward Court. To the north there are no restrictions but the road narrows. Railway Lane is something of a cut through or rat run avoiding the central traffic calmed routes. As the scheme cannot provide appropriate parking it is therefore considered likely that the development will result in pressure for additional parking on Railway Lane in a part of the narrow section of Railway Lane. Such additional pressure is considered to increase vehicular and pedestrian conflict and therefore detrimental to local highway safety.

10.12 The applicant highlights that the site is a town centre location where reduced parking may be acceptable. However public car parking is not convenient to the site, and as this scheme would significantly reduce existing space, (and there is photographic evidence of parking taking place in Coach House court and on the application site at the same time) it is considered regardless of the central location that the development is likely to result in increased parking pressures and resulting harm to existing residents amenity and highway safety on Railway Lane. The resulting development is therefore considered a poor form of development resulting in adverse impacts to residents. Therefore the scheme is considered contrary to Policy LP15 and LP2 of the Fenland Local Plan.

Sustainability

10.13 Due to the failure to demonstrate a 5 year supply of land the scheme has been assessed against Paragraph 7 of the NPPF. Paragraph 7 states:

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- ***an economic role*** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- ***a social role*** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- ***an environmental role*** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

10.14 In respect of this proposal the development of this site will further the sustainability objectives as follows:

Economic

A minor benefit in terms of employment creation during construction, A minor benefit of the occupiers serving local shops/businesses and having access to local employment opportunities in Chatteris. Overall the proposal has some economic benefit.

Social

The site is well located regarding access to facilities including doctors, healthcare and community provision and public transport. The proposal would contribute an additional 4 dwellings towards the Council's Land Supply. However given servicing/access and car parking issues due to an inadequate parking provision the proposal is detrimental to the well-being of residents and the local community.

Environmental

The proposal is not a development of Greenfield or garden land. It seeks to accord with residential amenity standards in terms of privacy, overlooking, loss of light etc.

Overall the proposal represents sustainable development other than the provision of car parking.

Planning Balance

- 10.15 In this instance significant weight is still given to adopted local plan policies. The site is in a sustainable location and the proposal is considered to represent sustainable development. However this is to be weighed against any resulting harm caused.

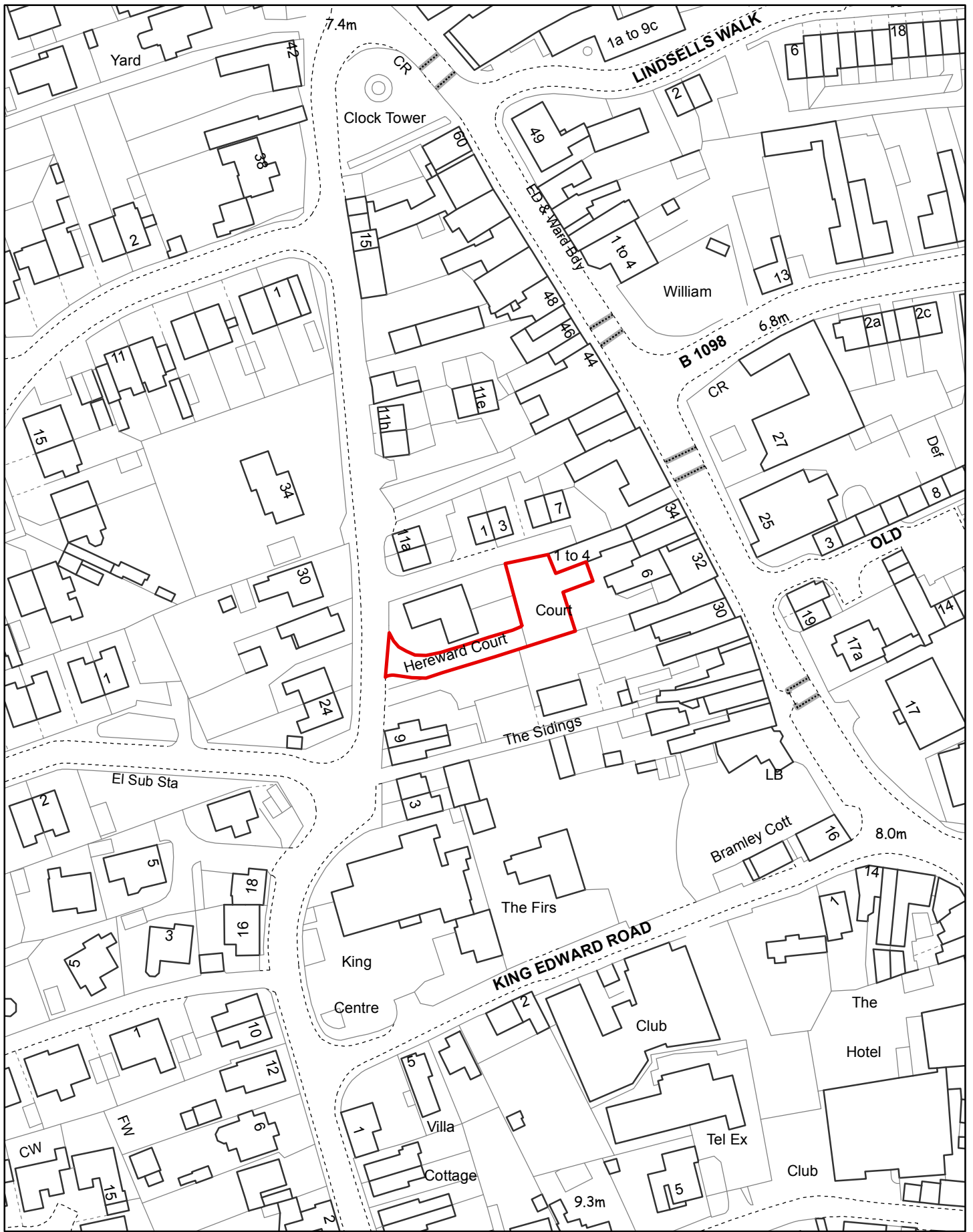
11 CONCLUSIONS

- 11.1 When a Council cannot demonstrate a 5 year land supply it must trigger the tilted balance of a presumption in favour of sustainable development unless there is a significant or demonstrable harm caused. In this instance the site is in a sustainable location, does not harm the character of the conservation area or results in overlooking or noise. However due to the resulting loss of car parking and the insufficient space to meet the existing and proposed demand from the development, and to the resultant cramped car parking being detrimental to the amenity of residents and local highway safety, it is considered that there is a significant and demonstrable reason on which to refuse this application.

12 RECOMMENDATION

Refuse

- 1 The proposal fails to provide satisfactory car parking required by Appendix A and Policy LP15 (c) of the Fenland Local Plan adopted 2014. This will result in a poor form of development with insufficient parking for the existing flats of Coach House Court and future residents of the proposed flats harming the amenity of existing and proposed residents and is therefore contrary to Policies LP2 and LP16(e) of the Fenland Local Plan adopted 2014. The failure to provide adequate parking is also considered likely to increase parking pressure onto parts of Railway Lane which is a busy through route alternative to traffic calmed central routes. This is considered likely to increase vehicular and pedestrian conflict on Railway Lane detrimental to local highway safety. The proposal is therefore contrary to Policy LP15 (c) of the Fenland Local Plan.



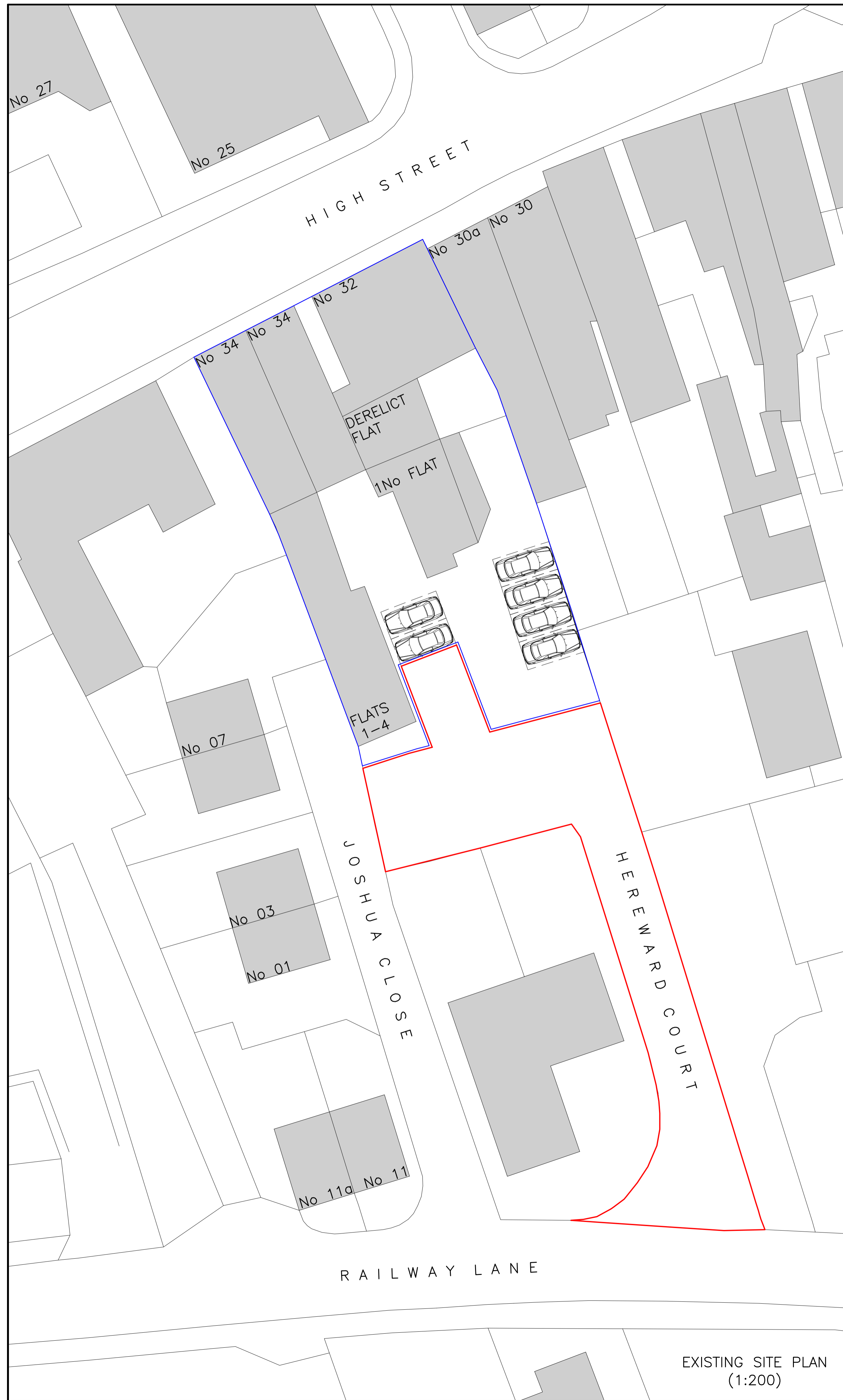
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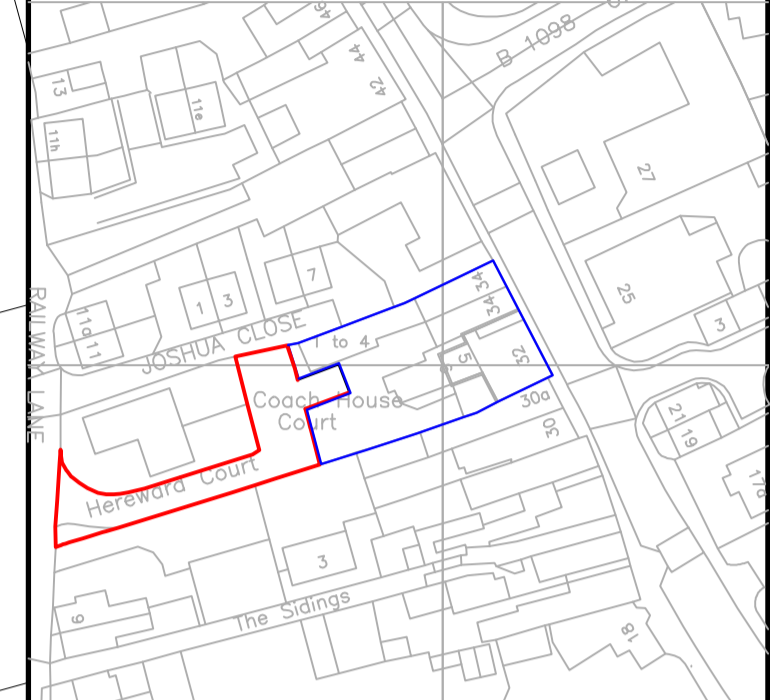


EXISTING SITE PLAN
(1:200)



PROPOSED SITE PLAN
(1:200)

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Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.
All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer



LOCATION PLAN
(1:1250)
LICENSE NO: 100031961

SITE PLAN KEY

	PERMEABLE BLOCK PAVING (NON SLIP)		PAVEMENT
	GRASS		TARMAC
	VEGETATION		EXISTING DWELLINGS
	HEDGING		FOUL DRAINAGE
	GRAVEL		SURFACE WATER DRAINAGE
	SITE ENVELOPE		WASTE BINS
	LAND CLIENT OWNS		

B	SCHEME REVISED	APR 2018
A	PLANNING COMMENTS	JAN 2018
	REVISIONS	DATE

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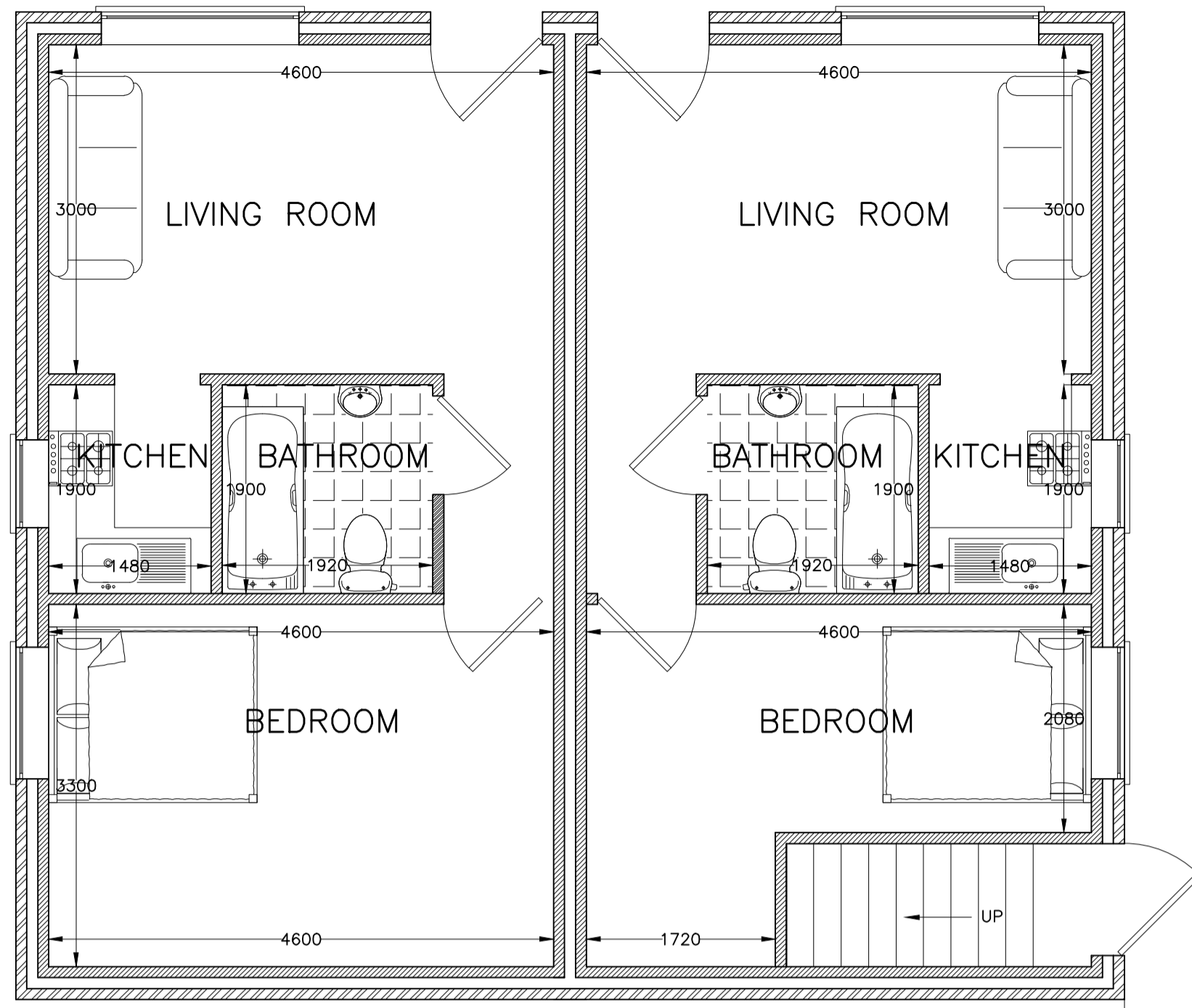
Fenland District Council
LABC
Building Design Awards
winner
Building Excellence in Fenland

CLIENT
Chatteris Developments Ltd

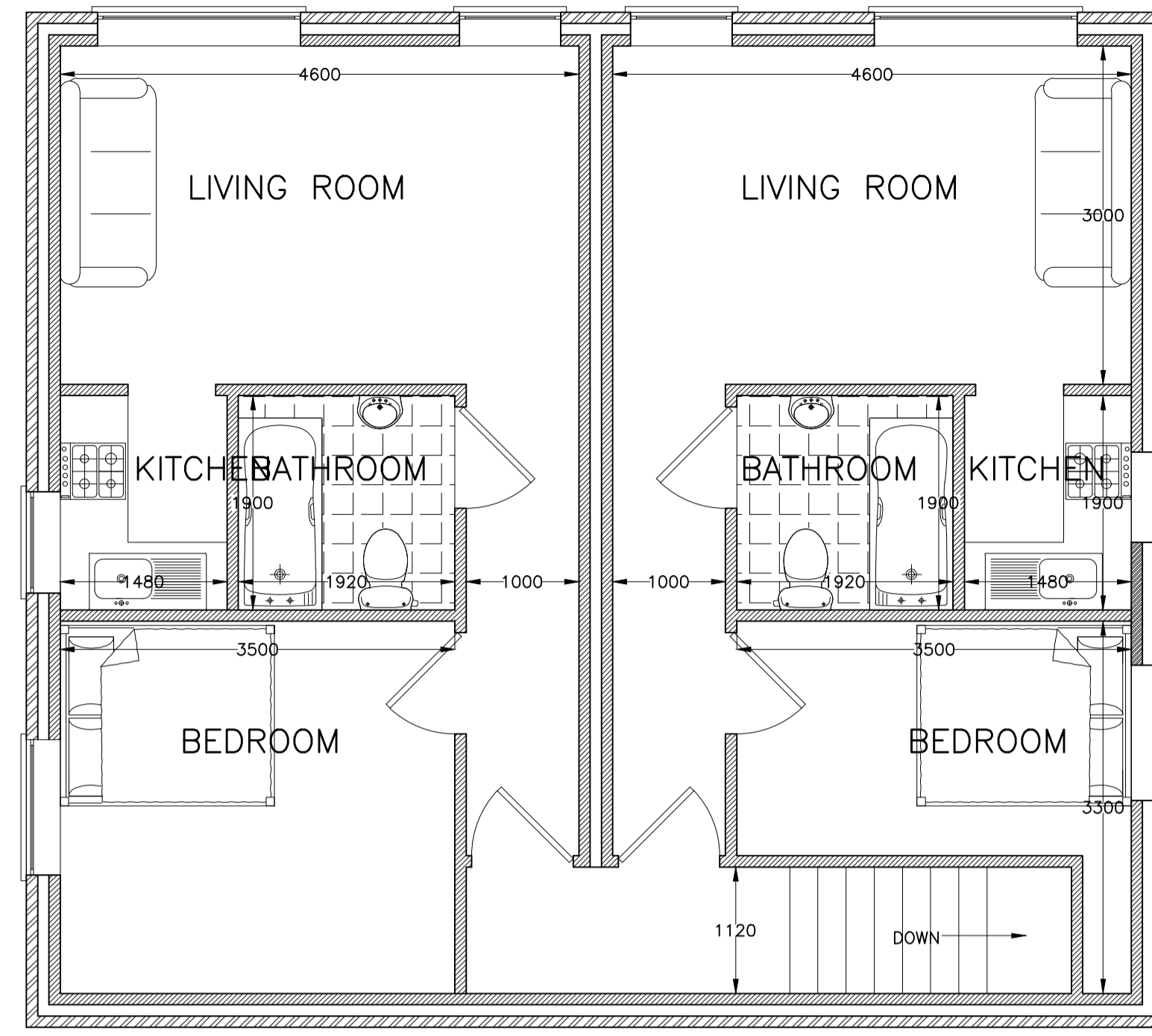
PROJECT
Coach House Court
Off Railway Lane
Chatteris, Cambs

TITLE
Existing and Proposed
Site Layout and Location
Plan

DRAWN M.Halmshaw	DATE OF ISSUE
CHECKED	
DATE January 2018	DRAWING NUMBER H5629/100A
SCALE AS SHOWN	



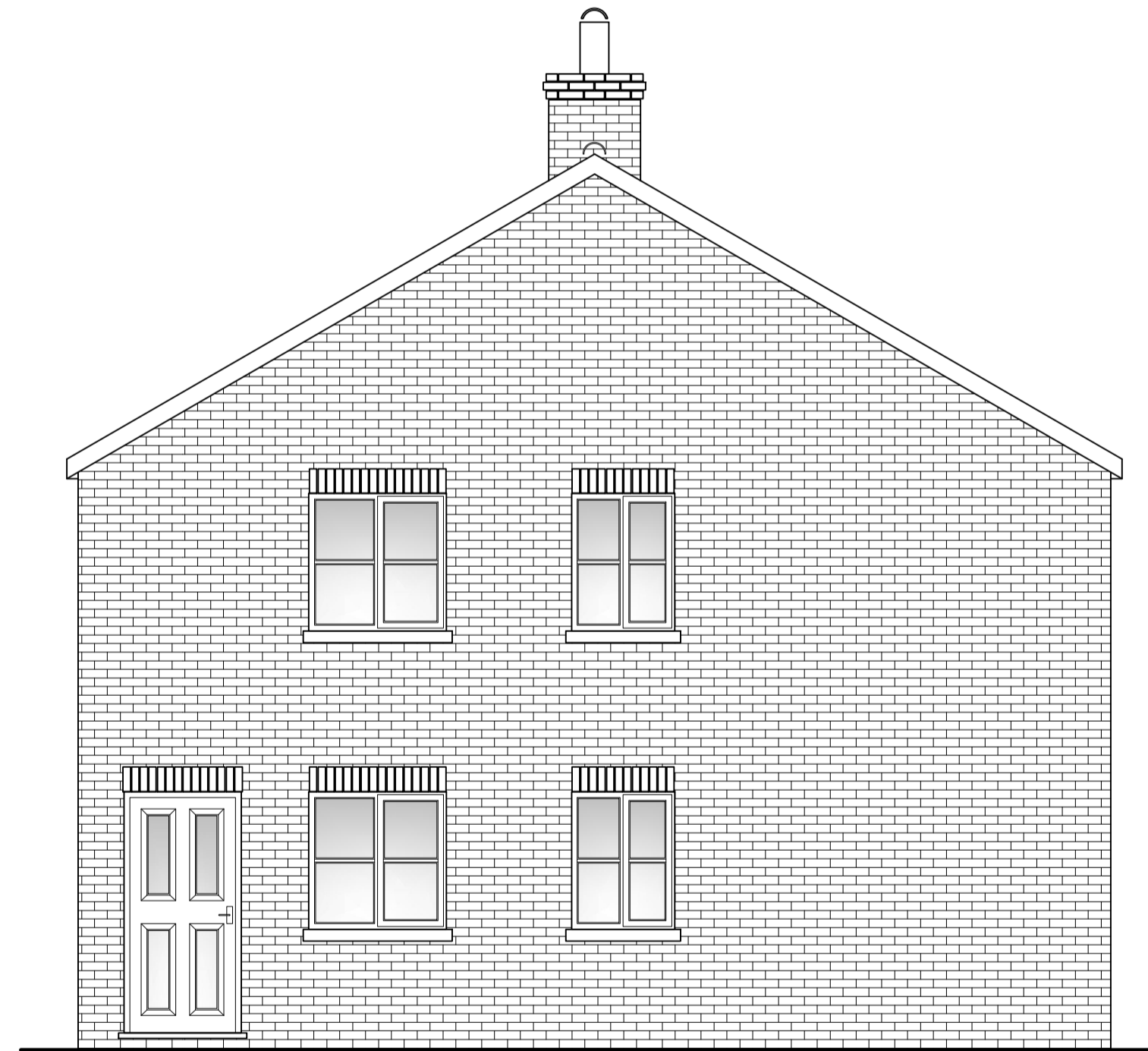
PROPOSED GROUND FLOOR PLAN
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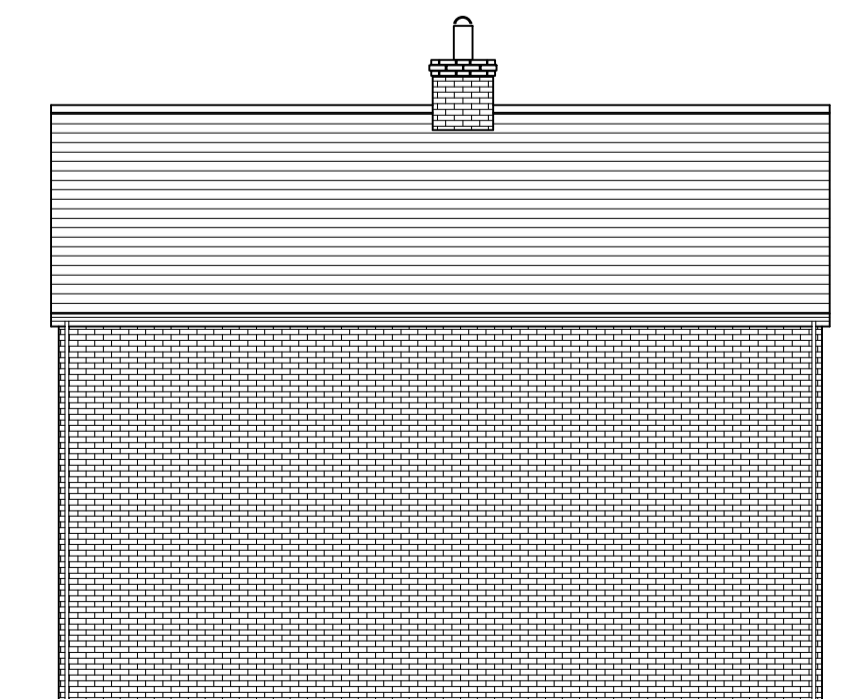
PROPOSED FIRST FLOOR PLAN
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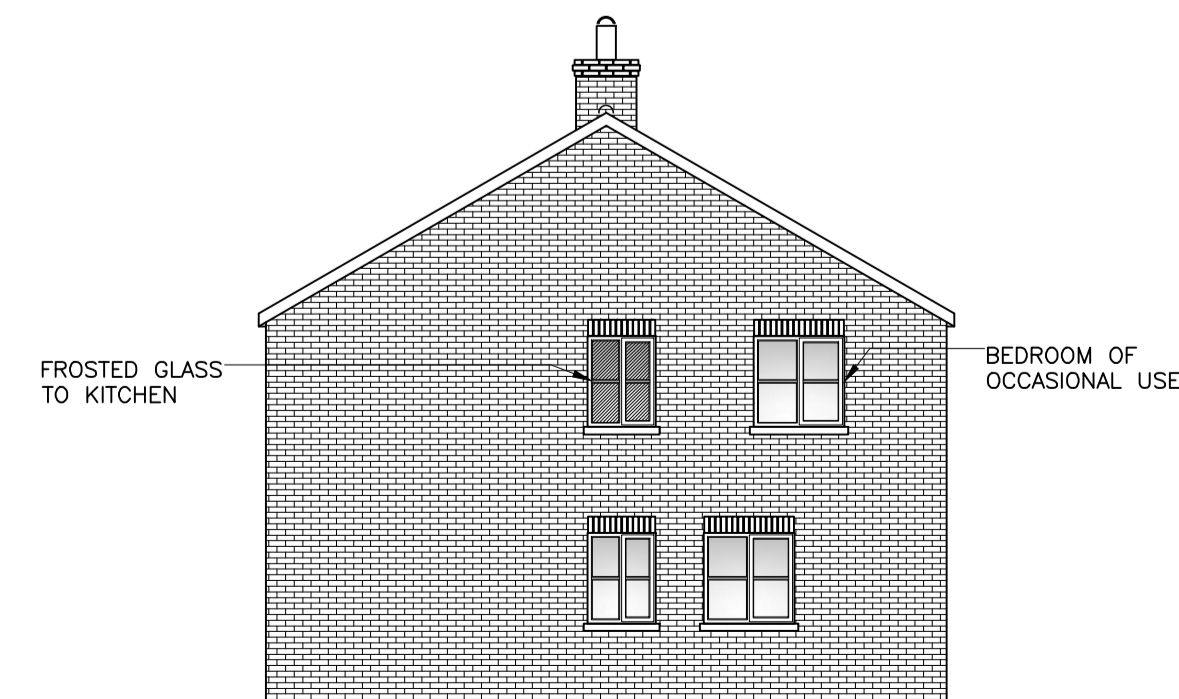
PROPOSED FRONT ELEVATION
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PROPOSED LEFT HAND SIDE ELEVATION
(1:50)



PROPOSED REAR ELEVATION
(1:100)



PROPOSED RIGHT HAND SIDE ELEVATION
(1:100)

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All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer

PROPOSED MATERIALS

- ROOF : SLATE TILES
- WALLS : BRICKWORK
- JOINERY : WHITE UPVC

A	SCHEME REVISED	APR 2018
	REVISIONS	DATE

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Fenland District Council
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Building Design Awards
winner
Building Excellence in Fenland

CLIENT
Chatteris Developments Ltd

PROJECT
**Coach House Court
Off Railway Lane
Chatteris, Cambs**

TITLE
**Proposed Floor Plans
and Elevations**

DRAWN M.Halmslow	DATE OF ISSUE
CHECKED	
DATE January 2018	DRAWING NUMBER H5629/102A
SCALE AS SHOWN	