

PLANNING COMMITTEE – 26th April 2022

REFERENCE NUMBER: 21/01443/FL Application Expiry Date: 29.04.2022

Application Type: Full Planning Permission

Proposal Description: Change of Use from Office (Class E) to hot food takeaway (Sui Generis) with new extractor flue and associated alterations (Conservation Area/Affecting the setting of a Listed Building)

At: 1 Chesterfield Road, Dronfield, S18 2XA

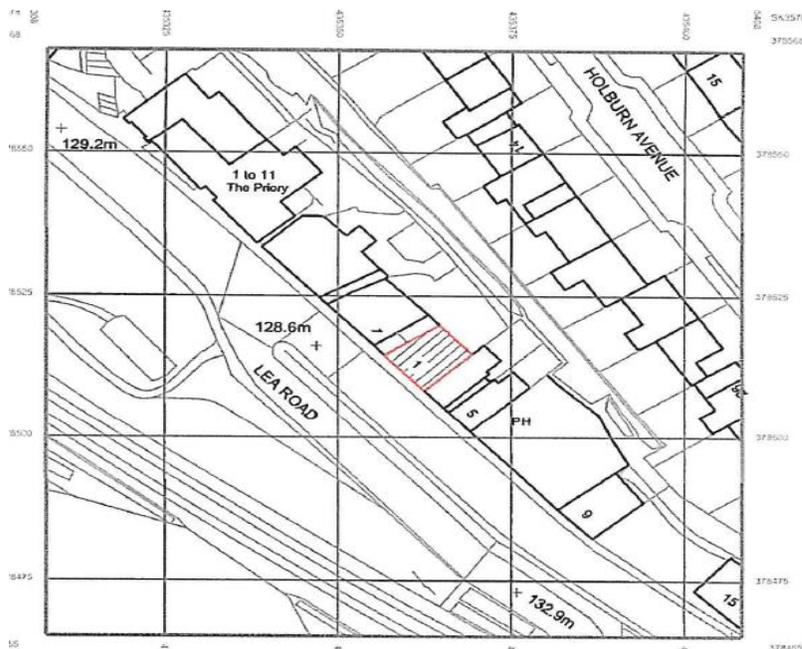
For: Mr. Adeal Ali

Third Party Reps: 5 **Parish:** Dronfield Parish

Ward Name: Dronfield North

Author of Report: Colin Wilson **Date of Report:** 12.04.2022

MAIN RECOMMENDATION: Approve Planning Permission



1.0 Reason for Report

- 1.1 The Local Ward Member (Cllr Parkin) formally requested that the application be determined by Planning Committee, on the basis that the proposals breach Policies contained within the Dronfield Neighbourhood Plan.

2.0 Proposal and Background

Site Description

- 2.1 The application premises comprises a mid-terrace building on the north-eastern side of Chesterfield Road, Dronfield. The building in question comprises a stone built, two-storey premises formerly occupied by St. John Ambulance.
- 2.2 The application site is situated within the defined Settlement Development Limits and designated Local Centre for Dronfield. The site is also located within the Dronfield Conservation Area and is positioned approximately 20m from the Grade II Listed Lea Road Bridge, on the opposite side of Chesterfield Road.

Proposals

- 2.3 Full planning permission is sought for the Change of Use from Office (Class E) to hot food takeaway (Sui Generis), with new extractor flue and associated alterations.
- 2.4 The proposed alterations to the shop front comprises two replacement doors. The proposed replacement doors comprise a new traditional timber, half glazed door with a laylight above, and vertical timber boarded door. It is stated in the submission that all replacement timber would be painted in a dark rich colour. In addition, existing timber boarding would be refurbished as part of the development proposals.
- 2.5 A new extraction flue is proposed and would be sited on the building's rear, north-east facing roofslope. The proposed extraction flue would project above the ridge of the premises. The flue would be finished in with matt dark grey paint. Further alterations to the rear elevation of the building would be limited to modest extraction outlets for the W/C and refrigeration unit.
- 2.6 For clarity and the avoidance of the application has been assessed on the basis of amended plans listed below (which were uploaded to the Council's website on 16.03.2022):

- Proposed Ground Floor Plan (Drawing Number 21/11/04/13C)
- Proposed First Floor Plan (21/11/04/14B)
- Proposed Roof Plan (21/11/04/15A)
- Proposed Front Elevation (21/11/04/16C)
- Proposed Rear Elevation (21/11/04/17A)
- Proposed Section (21/11/04/18B)
- Proposed Front Elevation (21/11/04/019C)

3.0 Relevant Planning History

- 3.1 There is no recorded relevant planning history for the premises subject of this application. However, an application for advertisement consent (reference number 22/00002/AD) has been submitted, relating to the proposed change of use.

4.0 Consultation Responses

- 4.1 The **Ward Member** and **Parish Council** were consulted on the application:

The **Ward Member** requested that the application be determined by Planning Committee rather than under delegated powers.

The **Parish Council** raised objections to the proposed development on the basis that that proposed development is considered contrary to various policies within the Dronfield Neighbourhood Plan, namely Policy E2 (Shop Frontages in the Town Centre), E4 (Hot Food Takeaways), and D3 (Good Design). In addition, the building is in the Conservation Area and consequently any alterations should be sympathetic to the character and appearance of the traditional building style.

- 4.2 **Derbyshire County Council Highways Officers** were consulted on the application, raising no objections to the proposed development from a highway safety perspective.
- 4.3 **NEDDC Environmental Health Officers** were consulted on the application, raising no objections to the proposed development from an environmental protection perspective, subject to conditions.
- 4.4 **Dronfield Civic Society** commented on the application, objecting to the proposals on the basis that the development would be unsympathetic to the established character and appearance of this part of the Dronfield Conservation Area, adding that the building subject of the application is listed in the Dronfield Neighbourhood Plan as a Character Building and

Structure of Local Heritage Interest. In addition, concerns were expressed regarding adverse impacts in residential amenity and highway safety terms.

5.0 Representations

5.1 The application was publicised by way of neighbour letters, display of a site notice, and a press notice. 4 letters of representation were received – the comments raised can be summarised as follows:

- The proposed development would not be in keeping with the character of the Conservation Area. Concerns regarding odours from the proposed hot food takeaway and the impact that this will have on residential amenity in the locality.
- Highway safety concerns arising as a consequence of increased vehicular movements to the site and the proximity of the premises to a pedestrian crossing.
- Issues arising as a consequence of increase litter, which is an ongoing issue at other takeaways in the vicinity of the site.
- Concerns regarding the illuminated sign shown on the submitted drawings.

Officer Note: the representations relating to the application were made in advance of the revised drawings being submitted by the applicant.

6.0 Relevant Policy and Strategic Context

North East Derbyshire District Local Plan

6.1 The North East Derbyshire Local Plan (2014 - 2034) forms the Development Plan for the area. The Local Plan policies most relevant to the proposals are set out below:

- SS1 Sustainable Development
- WC4 Retail Hierarchy and Town Centre Uses
- SP1 Dronfield
- SDC5 Development within Conservation Areas
- SDC6 Development Affecting Listed Buildings
- SDC9 Non-designated Local Heritage Assets
- SDC11 Flood Risk and Drainage
- SDC12 High Quality Design and Place Making
- SDC13 Environmental Quality
- ID3 Sustainable Travel
- ID4 New Social Infrastructure
- ID5 Loss of Existing Social Infrastructure

National Planning Policy Framework

- 6.2 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application.

Dronfield Neighbourhood Plan

The Dronfield Neighbourhood Plan is applicable in the assessment of this application, the following policies are considered to be relevant: E4, D2 (Dronfield Character Buildings and Structures of Local Heritage Interest), and D3 (Good Design).

7.0 Planning Issues

Principle of Development

- 7.1 The application site is situated within the defined Settlement Development Limits for Dronfield. Policy SS7 relates to development on Unallocated Land within Settlements with defined Settlement Development Limits and is therefore applicable in the assessment of this application. The Policy states that all development proposals on sites within Settlement Development Limits that are not allocated in the Local Plan or in a Neighbourhood Plan, will be permitted, provided that the proposed development: a. Is appropriate in scale, design and location to the character and function of the settlement; and b. Does not result in the loss of a valued facility or service unless it can be demonstrated that it is no longer viable, or is not the subject of a Community Right to Bid; and c. Is compatible with, and does not prejudice any use of adjacent sites and intended land uses; and d. Accords with other policies of the plan.
- 7.2 Policy E4 of Dronfield Neighbourhood Plan states that proposals for hot food takeaways (Use Class A5) will be supported where it: a) can be demonstrated to NEDDC in consultation with the Town Council that it makes a positive contribution to the viability and vitality of the town centre, where appropriate; b) would not adversely affect the shopping element within the immediate area of the site; c) would not result in more than two A5 units being located adjacent to each other; and d) would not negatively impact upon the amenity of surrounding businesses or residents.
- 7.3 In this instance, Officers are satisfied that the proposed development complies with the fundamental requirements of the abovementioned Policies. The proposed alterations to the building are considered respect the character of the host building and accord with the prevailing built characteristics of the area. In addition, the change of use of the premises to a hot food takeaway is considered to be compatible with adjacent sites from an amenity perspective. Moreover, Officers have no reason to conclude that the proposals would impact negatively on viability or vitality of the nearby

Town Centre. Additional detail on the visual/heritage and amenity impacts of the scheme are considered fully in the following sections of this report.

Heritage Considerations

- 7.4 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.5 Policy SDC5 relates to development in Conservation Areas. The Policy states that Development proposals within or impacting upon Conservation Areas will be permitted where they preserve or enhance the character or appearance of the area and its setting.
- 7.6 The application site is situated within the Dronfield Conservation Area and also identified in the Dronfield Neighbourhood Plan under Character Buildings and Structures of Local Heritage Interest. It is noted that the stone date over the arch, 1873, initials H.S. refer to Henry Silcock who was a local sickle maker. Old fire places in the yard behind contain the gravestone of Martha, wife of Henry Silcock, 1848.
- 7.7 Policy D2 of the Dronfield Neighbourhood Plan relates to Dronfield Character Buildings and Structures of Local Heritage Interest. The Policy states that to be supported development proposals relating to these assets must take into account the character, context and setting of the building or structure including important views towards or from the asset. To be supported development must be designed to take account of local styles, materials and details. The loss of, or substantial harm, to a Dronfield Character Building and Structure of Local Heritage Interest will not be supported unless it is demonstrated that any loss or harm cannot be avoided or mitigated and would be clearly outweighed by the benefits of the development.
- 7.8 Officers consider that the proposed change of use would establish a viable new use of the historic building, securing its maintenance and longevity. Therefore, Officers are of the view that the principle of the proposed change of use, from office to hot food take-away, is acceptable, subject to any external alterations being carried out sympathetically.

Material Alterations to the Building

- 7.9 The proposed external alterations to the existing building can be summarised as two replacement timber doors, refurbishment of existing timber boarding, and the installation of a new extraction flue on the building's rear, north-east facing roof slope. Further minor alterations to the

- rear elevation of the building would be limited to modest extraction outlets for the W/C and refrigeration unit.
- 7.10 In terms of proposed signage for the application, a separate application for advertisement consent has been made to the Council and is pending consideration (application reference number 22/00002/AD).
- 7.11 The proposed replacement doors and refurbishment of the building are considered by Officers to represent enhancements to the existing building. Officers are of the view that the proposed flue would result in some, albeit limited, harm to the significance of the historic building. That being said, the proposed mitigation (i.e finishing the flue in a matt grey colour), coupled with the enhancements proposed to the doors within the front (street) elevation and securing a use for the redundant building, will outweigh the harm of the large industrial flue.
- 7.12 Based on the above factors, and subject to the conditions set out later in this report, Officers are of the view that the proposals would preserve the character and appearance of the application building and the Dronfield Conservation Area. Consequently, the proposals are considered to accord with the applicable planning policies set out above.

Neighbouring Amenity

- 7.13 There are a mixture of uses in the vicinity of the application site. The application premises is adjoined by commercial premises. To the north of the application site, beyond the intervening land comprising the River Drone, are properties situated on the western/southern side of Holburn Avenue.
- 7.14 An extraction flue is proposed as part of the application to change the use of the premises to a hot food takeaway. The flue would be situated on the rear roofplane of the host building.
- 7.15 For guidance on matters of neighbouring/ residential amenity and environmental protection, North East Derbyshire Environmental Health Officers (EHO) were consulted on the application raising no objections to the proposals in principle. EHO advised that the whilst the proposed change of use could give rise to significant levels of odour and noise which could impact upon neighbouring amenity, this matter could be controlled by a condition requiring the submission and approval of for the extraction, dispersal and control of cooking odour, together with details of all elements of the inlet and extract systems and resultant noise levels.

- 7.16 Subsequent correspondence from EHO made recommendations that conditions relating to opening hours, waste management, and hours of development be included as part of any granted permission.
- 7.17 Based on the above considerations, Officers have no reason to conclude that the proposed development would result in any unacceptable impacts on neighbouring/ residential amenity in the locality.

Highway Safety

- 7.18 Policy ID3 of the North East Derbyshire Local Plan and NPPF Paragraph 111 state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.19 Derbyshire County Council (DCC) Highways Officers were consulted on the application, raising no objections to the proposed change of use from a highway safety perspective, in view of the extant use, location, and existing on-street parking restrictions in the vicinity of the site.
- 7.20 Based on the above considerations, Officers are of the view that the proposed development would not lead to any unacceptable impacts in highway safety and is therefore in accordance with the relevant parts of Local Plan Policy ID3 and Paragraph 111 of the NPPF.

9.0 Recommendation

- 9.1 GRANT Full Planning Permission subject to the following conditions with the final wording and content of the conditions delegated to the Planning Manager (Development Management):.

1 The development hereby permitted shall be started within 3 years from the date of this permission.

(To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990)

2 The development hereby approved shall be carried out in accordance with the amended plans listed below (which were uploaded to the Council's website on 16.03.2022), unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:

- Proposed Ground Floor Plan (Drawing Number 21/11/04/13C)
- Proposed First Floor Plan (21/11/04/14B)

- Proposed Roof Plan (21/11/04/15A)
- Proposed Front Elevation (21/11/04/16C)
- Proposed Rear Elevation (21/11/04/17A)
- Proposed Section (21/11/04/18B)
- Proposed Front Elevation (21/11/04/019C)

(Reason: for clarity and the avoidance of doubt)

- 3 Once the boarding above the front entrance door has been removed, the local planning authority's Conservation Officer shall be contacted and given access to record the fabric. If historic fabric survives, this shall be made good and details shall be agreed with the local planning authority, prior to commencement of this work. If no historic fabric survives, a single glazed transom light with timber frame, in line with design shown on drawings 21/11/04/16C and 21/11/04/19C Proposed Front Elevation, shall be introduced and retained as such thereafter.

(In the interest of the character and appearance of the building and Conservation Area)

- 4 Full details of the new (west) front door, including materials, panel type and mouldings, glass type, door furniture and external paint finish, shall be submitted to and agreed in writing by the Local Planning Authority, prior to commencement of this work. Thereafter, the works shall be carried out in complete accordance with the approved details.

(In the interest of the character and appearance of the building and Conservation Area)

- 5 Full details of the new (west) front door, including materials, panel type and mouldings, glass type, door furniture and external paint finish, shall be submitted to and agreed in writing by the Local Planning Authority, prior to commencement of this work. Thereafter, the works shall be carried out in complete accordance with the approved details.

(In the interest of the character and appearance of the building and Conservation Area)

- 6 Full details of the new (east) door and /or any works to the host doorway (cart entry), including, design, materials, jointing, door-frames, door furniture and paint colour/ type, shall be submitted to and agreed in writing by the Local Planning Authority, prior to commencement of this work. Thereafter the works shall be carried out and retained in complete accordance with the approved details.

(In the interest of the character and appearance of the building and Conservation Area)

- 7 All flues shall have a matt dark grey paint finish and maintained as such for perpetuity.

(In the interest of the character and appearance of the building and Conservation Area)

- 8 Before development starts a scheme for the extraction, dispersal and control of cooking odour, together with details of all elements of the inlet and extract systems shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the first use of the takeaway and shall be permanently retained as such thereafter.

(In the interests of preserving the amenity levels currently enjoyed by the occupiers/ users of adjacent/ nearby sites).

- 9 From the first use of the development hereby approved, no refuse or waste materials shall be stored in the open other than in suitably constructed covered containers or in accordance with an alternative scheme, the details of which must be submitted to and approved by the local planning authority before such storage commences. For a food business this will be a commercial waste contract with the council or another approved provider.

(In the interests of preserving the amenity levels currently enjoyed by the occupiers/ users of adjacent/ nearby sites).

- 10 The premises shall only be open to public between the hours of 12:00 to 23:30 on any day.

(In the interests of preserving the amenity levels currently enjoyed by the occupiers/ users of adjacent/ nearby sites).