

PLANNING COMMITTEE – 3rd October 2023

Reference Number: 23/00049/FL

Application expiry: 15/11/2023

Application Type: FULL

Proposal Description: Change of use of commercial unit with ancillary accommodation to 1 office and 3 one bed residential apartments, including alterations to openings (Amended Title)(Amended Plans)

At: 67 Rupert Street, Lower Pilsley, Chesterfield, S45 8DB

For: Cosi Build Limited

Third Party Reps: 1 objection

Parish: Pilsley

Ward: Pilsley and Morton

Report Author: Alice Lockett

Date of Report: 14 September 2023

MAIN RECOMMENDATION: Grant permission, subject to conditions



Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1 Cllr Gillot requested that the application be considered at committee for the following reasons:
- A proposal to create a house of multiple occupation and office space is out of character with this area of Lower Pilsley. (*Officer comment – the application is for 3 self contained flats not an HMO which would be expected to have shared living areas*)
 - The lack of appropriate amenity area included in this development.
 - The lack of sufficient off-street parking for both the commercial and the residential aspect of this development and, therefore, the inevitable increase in on-street parking. The current on-street parking is already insufficient for the area and the additional vehicles this development would generate would be more than de minimis resulting in parking on, close to, or opposite existing junctions and entrances in contrary to the provisions of the Highway Code.
 - The impact on highway safety of footway users resulting from the use of the undercroft to access the limited off-street parking.

2.0 Proposal and Background

Site Description

- 2.1 The application site is a two storey building which was last used as a post office with 3 bedroom residential unit above.
- 2.2 The building is early 20th century and is located within a row of 2 storey terraced residential dwellings located to the west of Rupert Street and immediately fronting the highway. On the opposite side of the road are more modern single and 2 storey dwellings set back from the road.

Proposal

- 2.3 This application seeks permission to convert the shop into 79m² of office space and to create three 1 bedroom flats. Two of these flats would be on the first floor with the third spanning the ground and first floor.

Amendments

- 2.12 The application was amended from 3 offices and 5 flats. The extra two were to go into the roof space at the property and have been omitted from the scheme.

3.0 Relevant Planning History (not the full site history)

- 3.1 None

4.0 Consultation Responses

- 4.1 **Ward member:** Ward members are concerned about the intensification of the site, the lack of amenity space, the lack of sufficient parking and the impact on the highway of footway users due to the undercroft parking. They also have concerns about the character of the proposed development.

(Officer Comment: these concerns are dealt with in the assessment below)

- 4.2 **Parish Council:** No comments received.

- 4.3 **Highways** The Local Highway Authority (LHA) have been re consulted on application 23/00049/FL at 67 Rupert Street, Lower Pilsley, Chesterfield. It is noted the scale of development has been reduced from 3 offices and 5 one bed residential apartments to 1 office and 3 one bed residential apartments.

Drawing No. P/002 rev A illustrates the site is to be served via an existing 'undercroft' access from Rupert Street, which is approximately 2.8m in width. The LHA note the access is substandard, however it is acknowledged this is an existing situation. The access is proposed to serve two off street parking spaces within the rear yard area, with turning provision to exit the undercroft in a forward gear.

The applicant has provided further information which clarifies the previous commercial use of the property was as a Post Office with accommodation above. It is acknowledged the Post Office would have generated significant vehicle movements and all customer parking demand would have been met on-street, with only staff being able to park within the property.

Considering the existing use of the site and the proposed reduced scale of development the LHA do not consider the proposals represent a significant intensification. Therefore, in the site-specific circumstances it is not considered that this development proposal would lead to a severe or unacceptable highway impact in the context of the NPPF and as such the LHA would not seek to resist this application.

- 4.4 **Environmental Health Officer** No comments.

- 4.5 **Derbyshire Wildlife Trust:** DWT commented on the original proposal to convert the loft space, as this has been removed from the application the bat survey is no longer required.

5.0 Representations

- 5.1 The application was publicised by way of neighbour letters and the display of a site notices. A Site notice was placed on the window of the building which expired on 7/3/2023.

5.2 1 local resident have made representations raising the following comments objecting to the proposed development:

- I don't feel the development offers enough parking for 8 proposed units. The site is amongst other properties that mostly don't have off road parking and between two businesses that attract a good amount of visitors.
(Officer Comment: these concerns are dealt with in the assessment below)

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan 2014-2034 (LP)

6.1 The following policies of the LP are material to the determination of this application:

SS1 Sustainable Development
SS2 Spatial Strategy and the Distribution of Development
SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limits
SDC11 Flood Risk and Drainage
SDC12 High Quality Design and Place Making
SDC14 Land potentially affected by Contamination or Instability
ID5 Loss of existing Social Infrastructure

National Planning Policy Framework (NPPF)

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

Other Material Planning Considerations

6.4 Successful Places Interim Planning Guidance, adopted December 2013

7.0 Planning Issues

Policy Background

7.1 The application site is located within the settlement development limits for Pilsley where local plan policy SS7 supports development provided that it is appropriate in scale, design and location to the character and function of the settlement, does not result in the loss of a valued facility or service, is compatible with, and does not prejudice any intended use of adjacent sites and land uses; and accords with other policies of the Plan.

7.2 Policy ID5: Loss of Existing Social Infrastructure states that development proposals which would result in the loss of social infrastructure facilities will not be permitted unless: It can be shown that the facility is no longer needed, or that the service could

be adequately provided in an alternative way, or elsewhere in an alternative location that is equally accessible by public transport, walking and cycling; or it can be demonstrated through a viability assessment that the current use is not economically viable and all reasonable efforts have been made to let or sell the facility for the current use over a 12 month period.

7.3 In this case the applicant seeks to convert an existing building, from a mixed use comprising ground floor commercial with one flat above to a mixed use comprising ground floor commercial, two flats above and one dwelling spanning both storeys to the rear of the building. Consequentially a loss of a small area of commercial use is proposed.



Figure 2 Proposed Plans

7.4 The 3 dwellings proposed will be self-contained flats with each flat having its own kitchen, bath/shower room, dining and sitting rooms. The only shared element is the access and stairs. As such it is not considered that the proposal is for a house of multiple occupation.

- 7.5 The ground floor of the building is currently in a class E use. This use class covers shops, financial and professional services, food and drink and some business uses including offices. The applicant proposes that the front section of the ground floor of the building will remain in such a class E use (for an office or shop).
- 7.6 Buildings in class E use are considered as social infrastructure due to their potential use as shops, such as convenience stores or post offices etc.
- 7.7 Officers are of the view that there is therefore no change of use of the majority of the ground floor as it will remain in a class E use.
- 7.8 The first floor of the building is currently in residential (C3) use. This use comprises one 3 bed flat. It is considered that there is no change of use of this floor although the layout will result in 2 flats and one 2 storey dwelling rather than a single dwelling.

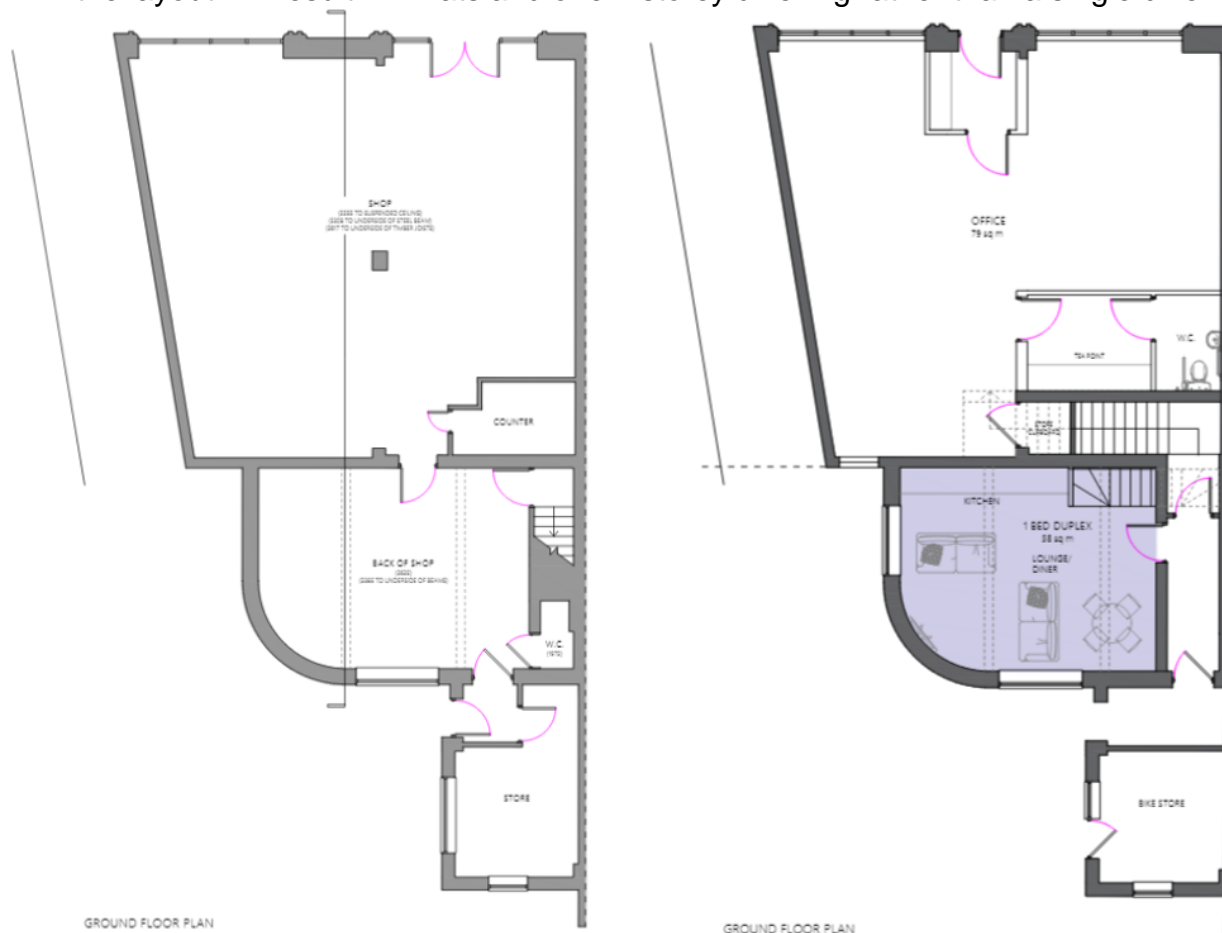


Figure 3 existing (left) and proposed (right) ground floor plans showing the area of commercial use to be lost(purple)

- 7.9 The back quarter of the ground floor will change its use to residential. Evidence has not been submitted to meet the requirements of policy ID5. However, as the majority

of the ground floor will remain in a class E use, there will not be a complete loss of potential social infrastructure.

Design and impact on the street scene

7.10 Policy SDC12 states that all new development should be of high-quality design and make a positive contribution to the quality of the local environment. Proposals for development will only be permitted provided that they: Respond positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings.



Figure 4 Existing front elevation of the building

7.11 Currently the building is in a poor state of repair with its front, street facing, elevation dominated by a bricked-up doorway and the shutter over the underpass to the rear. As such it does not make a positive contribution to the character of this part of Pilsley.

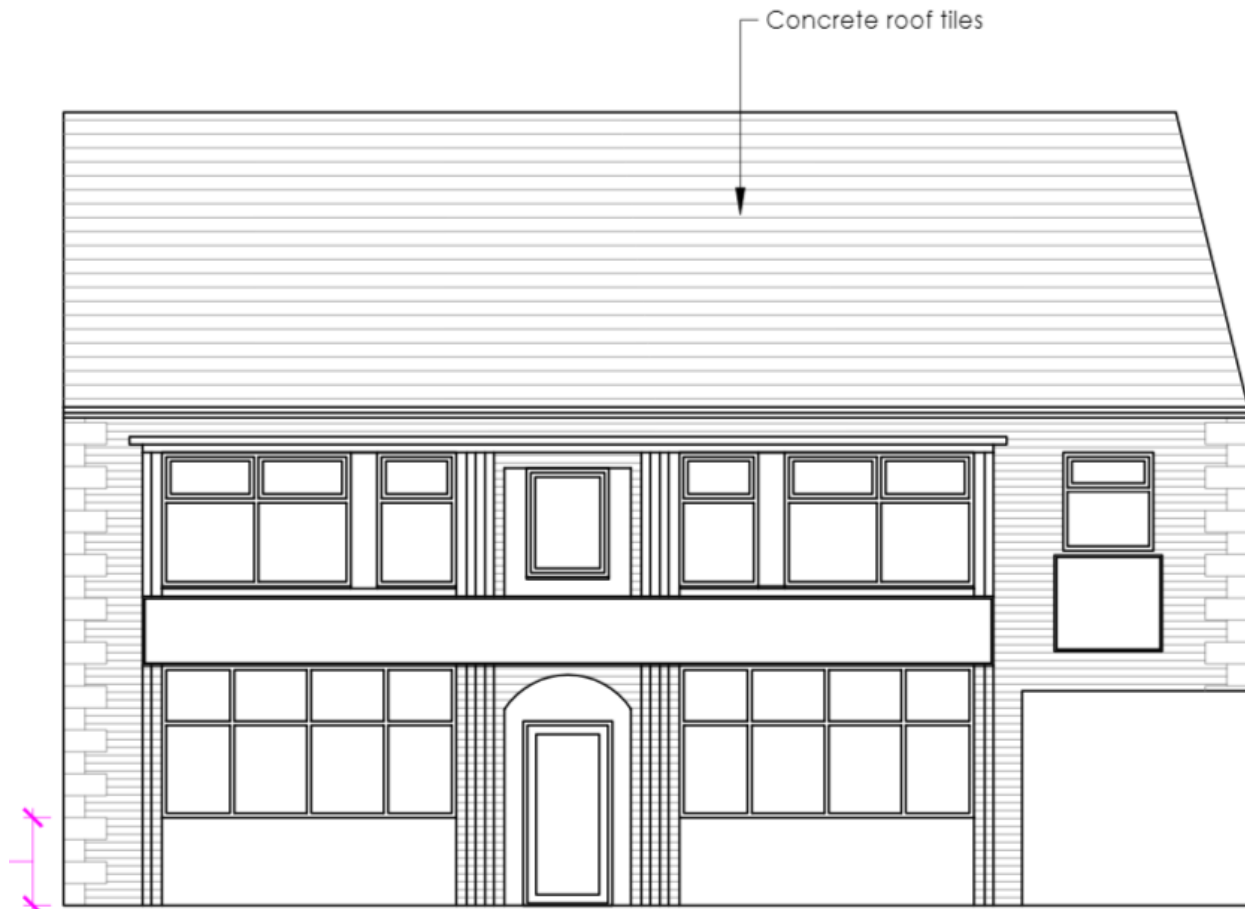


Figure 5 Proposed front elevation

7.12 The proposal will result in improvements to the front elevation of the property, the bricked-up doorway will be brought back into use and the shutter will be removed from the underpass, alterations to the shop windows are also proposed. It is considered that these changes will create a more active and less oppressive frontage onto Rupert Street.

7.13 Officers consider the benefits of bringing the building back into use and improvements to the street scene particularly as a consequence of the loss of roller shutters and the reinstatement of the front door outweigh the loss of a relatively small area of commercial space to the rear of the ground floor. As a consequence it is considered that the principal of the proposal is acceptable.

Highways

7.14 Paragraph 111 of the NPPF states 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.

- 7.15 Policy SDC12 requires that new development makes provision for private amenity space, storage and recycling facilities, and vehicle and cycle parking.
- 7.16 The extant shop use has the potential to generate a large number of vehicle movements in a day as visitors come to and from the shop. The 3 bed flat would be expected to have at least 2 cars.
- 7.17 The existing situation includes space to park at the rear of the building (although this is not formally laid out and there is space for 3 cars to park on the highway to the front of the building (these are publicly accessible parking spaces -not limited to the users of the building). Rupert Street at this point is restricted to 30mph, it is of an adequate width to allow for parked cars and there are no parking restrictions
- 7.18 The proposal includes 2 formalised parking spaces with suitable turning to the rear of the building. The highway parking spaces on the front remain.
- 7.19 A bike store is proposed to the rear of the property and there are bus stops within 100m with regular services to Chesterfield and Alfreton on the no 55 Hulley's Bus.
- 7.20 It is considered that the use of the ground floor as an office or shop would not represent a change over the existing extant use of the building with regard to vehicle movements and parking.
- 7.21 The county council guidance on parking expects one parking space for a 1 bed dwelling, as such it is expected that there would be a net increase in 1 car if permission for the flats is granted. It is considered that there is adequate on street parking spaces in the area to accommodate this.
- 7.22 As a consequence of the existing use, the provision of cycle storage and the provision of local bus services. Officers are of the view that the proposal will not generate the number of cars needing to park on the highway, that would represent a severe impact on highway safety.
- 7.23 The Highway Authority have highlighted the substandard nature of the access to the rear of the property but have acknowledge that this is an existing situation. They have confirmed that they do not consider the proposed scheme to represent an intensification of this access and therefore consider that the proposal is acceptable. In considering all the issues pertaining to Highway Safety the comments of the LHA are clear in stating that the scheme is acceptable from a highway safety point of view and Officers concur with that assessment.

Privacy and Amenity Considerations

- 7.24 Policy SS12 requires that new development protect the amenity of existing occupiers and create a good quality of amenity for future occupants of land or buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts.

- 7.25 No new building or extensions are proposed and as such it is considered that the proposal will not have a greater impact on overlooking or overshadowing of neighbours than the existing building and use.
- 7.26 At the rear it is proposed to remove a French window at first floor level which provides access onto the roof of the flat roof rear extension, removing the door will remove the access and as such the risk of overlooking of the garden to the south will be reduced.

National Space Standards				Proposed Scheme		
No of Bedrooms	Number of persons	1 storey	2 Storey	Flat 1 (1 storey 1x2)	Flat 2 (2 storey 1x2)	Flat 3 (1 storey 1x1)
1	2	50		54		
1	2		58		58	
1	1	39				44

Table 1 To show flat sizes against National Space Standards

- 7.27 Two of the proposed flats will meet the space standards for a 1 bed 2 person unit whilst the third flat meets the requirements for a 1 bed 1 person unit. As such it is considered that the internal dimensions meet the requirements for a good quality of amenity for future occupiers.
- 7.28 Successful Places Planning Guidance states that all schemes should provide a level of outdoor amenity space that is proportionate to the type of accommodation, appropriate to its location and suitable to meet the occupiers' likely requirements. Wherever possible, flats should also be provided with some outdoor amenity space, whether private or communal. Ground floor flats have the potential for their own private gardens. Upper floor flats should be provided with 25 sqm of space per flat.
- 7.29 In this case shared outdoor areas are proposed which cumulatively represent approximately 42m² of outdoor amenity space, this is substandard to the recommendations of Successful Places.
- 7.30 However, in this case, the village location will provide residents with easy access to the countryside. Whilst Pilsley Recreation Ground (550m) and the Cricket Ground (400m) are both around a 5 minute walk away. As such officers are of the view that due to the outside facilities close by, the reduced outdoor amenity space is acceptable.
- 7.31 As a consequence of the above, officers are of the view that the proposals meets the requirements of policy SDC12

Drainage Considerations

- 7.32 The site falls in Flood Zone 1 with the lowest probability of flooding additionally no new building or hard standing is proposed as such it is considered that the proposal will not be at risk from or a risk to flooding.

Land Contamination/Land Stability Considerations

- 7.33 Due to the pre-existing use the Council's Environmental Health Officer (EHO) has no comments.
- 7.34 As no new building was proposed and due to the pre-existing use, The Coal Authority (CA) were not consulted.
- 7.35 Officers conclude that there are no technical reasons relating to land contamination or land stability that would preclude development.

Ecological Considerations

- 7.36 The original scheme included the conversion of roof space to habitable rooms, this would have required a preliminary bat roost assessment to assess whether the building was a suitable habitat for bats. As the scheme has been amended to remove the rooms in the roof element this survey is no longer required. It is considered appropriate to add a note to any permission reminding the applicant of their responsibility with regard to protected species.

8.0 Summary and Conclusion

- 8.1 Local and national planning policy supports development within settlements which are considered to be sustainable. Local policy aims to protect social infrastructure and aims to ensure a good standard of privacy and amenity for residents whilst local and national policy seek to ensure that highway issues only prohibit development when the risk to highway safety is severe.
- 8.2 In this case an existing shop with accommodation above is to be converted to a commercial class E use with 3 flats, one of which will use up part of the rear storage area of the ground floor shop.
- 8.3 Officers are of the view that the loss of this area of commercial space to dwelling is outweighed by the improvements proposed to the front of the building which will result in a positive contribution to this part of Pilsley.
- 8.4 It is considered that the proposed does not represent a significant intensification over the existing use so as to cause a severe or unacceptable highway impact.
- 8.5 There are no technical reasons that would justify refusing the application.

8.6 As a consequence of the above officers are of the view that the proposal meets the requirements of policies SS7, SDC12 and ID5 and as such are recommending approval of the scheme.

9.0 Recommendation

9.1 That planning permission is **CONDITIONALLY APPROVED subject to the following conditions**, with the final wording delegated to the Planning Manager (Development Management):-

Conditions

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

Reason: 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 details shown on drawing numbers:
P/02 Rev A Proposed site block plan
P/005 Rev C Proposed Floor Plans and Elevations received 18/8/2023; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures

Reason: For clarity and avoidance of doubt

3) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on Drawing No. P/002 Rev A titled 'Proposed Site Block Plan'

REASON: To ensure conformity with submitted details.

Informatives:

- a) DISCON
- b) NMA
- c) Provision of bins
- d) Bats