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File No: CHE/17/00054/COU
Plot No: 2/1508

ITEM 2

FULL PLANNING APPLICATION FOR THE CHANGE OF USE TO COFFEE SHOP/REFRESHMENTS/FOOD OUTLET AT SAVE THE CHILDREN, 5 STEPHENSON PLACE, CHESTERFIELD, S40 1XL FOR MR GARCIA-PEREZ

Local Plan: Town Centre Historic and Retail Core
Ward: St Leonards

1.0 **CONSULTATIONS**

| | |
|------------------------|--------------------------------|
| Ward Members | No comments |
| Strategy Planning Team | No objections |
| Environmental Services | Comments received – see report |
| Design Services | No objections |
| Yorkshire Water | No comments |
| DCC Highways | No objections |
| Conservation Officer | No comments |
| Neighbours/Site Notice | 5 objections received |

2.0 **THE SITE**

2.1 The property the subject of the application is located at 5 Stephenson Place in Chesterfield Town Centre Conservation Area. This is a four storey building of some architectural significance, the ground floor of which was previously used as a charity shop for Save the Children. The building is predominantly rendered to the front elevation, with stone surrounds to the windows and a gablet at third floor level. The building has a pitched slate roof, and the original

windows have been replaced with UPVC units. A shopfront is situated at ground floor level. The rear of the building is predominantly of a red brick construction, with a small tower and a series of chimneys within the roofline.



2.2 Stephenson Place is situated to the North West of this property, and access to the front of the building is directly from the pavement. Adjoining properties are attached to the North East and South West sides of the building, and Church Way is situated to the South East rear of the property. St Mary and All Saints Church is situated to the East of the site boundary, and the rear of this property is visible from within the church yard.



3.0 **RELEVANT SITE HISTORY**

3.1 There is no relevant history at this site.

4.0 **THE PROPOSAL**

4.1 The application proposes the change of use of the property to a coffee shop/refreshments/food outlet. The internal space of the property measures approximately 98.7 Square Metres.

4.2 No external alterations are proposed to the property and no internal details with regards to the proposed layout are provided at this stage. The proposed opening hours are between 7AM and 7PM Monday to Friday, between 7AM and 10PM on Saturdays, and between 9AM and 4PM on Sundays and Bank Holidays. It is proposed that between 2 and 3 full time and between 3 and 4 part time staff would be employed as a result of this change of use.

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

5.1.1 The site is situated within Chesterfield Town Centre Conservation Area. The site is designated as the Town Centre Historic and Retail Core within the Local Plan, and is predominantly commercial in nature. A series of shops, restaurants and other food and drink outlets are situated in close proximity. Having regard to the nature of the application, policies CS1, CS2, CS3, CS13, CS15, CS19 and PS1 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.

5.1.2 It is considered that the proposed location for development is appropriate to the intended use, and the principles for location for development as outlined in policy CS2 of the Local Plan are met. This is because the site is previously used, is within a sub-regional centre and accessible via a range of sustainable transport methods.

5.1.3 All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance,

overlooking, shading or other environmental, social or economic impacts.

5.1.4 The proposed application site is previously developed land, where a development of this nature would be considered appropriate in principle. There are several similar examples of this type of development within the locality. As such, this proposed development is considered to be appropriate.

5.1.5 It is considered that the location of the site and the development proposed would meet the relevant criteria in Core Strategy policies CS1, CS2, CS3, CS13, CS15, CS19 and PS1 and would help meet the strategic objectives of the Local Plan.

5.2 **Planning Policy**

5.2.1 The Planning Policy Team were consulted on this application and they raised no objections. They stated that the application relates to a change of use from a vacant charity shop unit (A1) to a coffee and refreshments / food outlet (A3). The site is located on Stephenson Place within the Historic Core of the Chesterfield Sub Regional Centre and also within the conservation area (as shown by the constraints map). The opening hours are reasonable given the town centre location and it is unlikely that the proposed use will have any significant impact on residents provided that the “food outlet” element does not stray from the boundaries of the A3 classification.

5.2.2 The principles for location for development (CS2) are met in that the site is, previously used, within a sub-regional centre and accessible via a range of sustainable transport methods. The reconfiguration of a retail space to an A3 use is unlikely to have a detrimental impact on the retail function of the centre as the unit is within the secondary area of the centre as depicted in the draft Local Plan. CS15 supports food & drink uses given they promote vibrancy, inclusiveness and the economic activity of the centre. The plot was previously a charity shop which indicates that the plot is not particularly well sought after by mid to high-end retailers. Whilst there are numerous coffee shops on Stephenson Place, the vitality of the town centre is enhanced by the change of use; it is an

appropriate town centre use and fills a vacant frontage (CS15e) near a key transport hub (Cavendish Street bus stops). As the centre's function would remain predominately retail, the proposal does not contravene policy CS15a: The change of use also contributes towards an active and safe environment meeting the requirements of CS15b.

5.2.3 The site lies within the Town Centre Conservation Area and Chesterfield's Historic Core, policy CS19 – Historic Environment therefore applies. All physical changes must preserve or enhance the local character and distinctiveness of the area in which the property is situated. If the change of use generates any additional refuse requirements the storage for these should be designed whilst maintaining an attractive street scene in mind. The proposal meets elements a), b), and c) of Core Strategy Policy PS1 in that it provides economic growth within the centre.

5.2.4 In policy terms it is concluded that the development is fundamentally in line with the core strategy and NPPF, promoting concentration of development and growth within the Historic Core. The principle of the development is therefore appropriate in this location.

5.3 Environmental Health

5.3.1 The Environmental Health Officer was consulted on the application and made comments. He originally stated that there was insufficient information with regards to the cooking area and extraction equipment to make any considered response. Consultation took place between the applicant and the Environmental Health Officer, where it was indicated that the only food items that would be cooked at the premises would be a few toasted items. The Environmental Health Officer stated that he was satisfied that the proposed activity (operating the front of shop as a coffee shop, with coffee machines and small scale toasting/grilling), would have little likelihood of having an adverse impact on the neighbouring properties. The Environmental Health Officer stated that he had no adverse comments to make, however he stated that the applicant should be advised that that should there be a change in the business (ie an intensification in cooking operations), the need for provision of an extraction system

would need to be reviewed. An informative should be included on any consent to indicate this. The need for any future review would be primarily an Environmental Health concern, however any external alterations would be a planning matter. The Environmental Health Officer also stated that the existing basement should not, at this stage, be included in any approval due to concerns with regards to access, emergency egress and asbestos. An informative should be included on any consent to indicate this, however the concerns raised would be Environmental Health are Building Regulations issues rather than a Planning matter.

6.0 **REPRESENTATIONS**

6.1 As a result of neighbour notification, five letters of objection have been received in relation to this application. Four of these objections have been received from the operators of similar businesses to that of the current proposal.

6.2 The letters of objection state that the development would result in an over-intensification of the proposed use causing an adverse impact on similar businesses, an adverse impact on visual and residential amenity, would result in noise, and are contrary to policy.

6.3 ***In response to these comments, it is not considered that the proposed change of use would result in an over-intensification of the proposed use causing an adverse impact on similar businesses. Although there are a number of similar businesses nearby, it is not considered that the creation of one more business of this nature would result in any unhealthy competition. It is considered that there are notable differences between many of these similar nearby businesses, which helps to ensure that vibrancy and healthy competition is promoted. One of the nearby businesses is an internet café, there are differences in terms of the character and menus offered, and opening times vary. The proposed new use is proposed to open earlier than many of the similar nearby businesses and would be open later on a Saturday, thereby providing a service that is not currently available at certain times.***

6.4 ***In terms of visual amenity, no external alterations are proposed as part of this application. As such, it is not considered that there would be any adverse impact on visual amenity. In terms of residential amenity and noise, it is not considered that the proposed use or opening hours would result in any adverse impact for neighbouring properties. The only residential properties in close proximity are apartments situated above, and there have been no objections from Environmental Health in terms of these issues. In relation to the latter point with regards to policy, the Planning Policy Team has raised no objections to this application. They concluded that the development is fundamentally in line with the core strategy and NPPF, promoting concentration of development and growth within the Historic Core.***

7.0 **HUMAN RIGHTS ACT 1998**

7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

7.4 Whilst, in the opinion of the objectors, the development potentially affects their business, it is not considered that this is harmful in planning terms, such that any additional control

to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for. Pre application advice was provided.

8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 CONCLUSION

9.1 The proposals are considered to be appropriate in principle, and would not have any adverse impact on the property, neighbouring properties, the vitality of the Town Centre, highway safety or the surrounding Conservation Area. The proposed change of use would help bring a vacant property back into use, would provide a service that is not currently available at certain times, and no external alterations are proposed at this stage. The development is fundamentally in line with policy, promoting the concentration of development and growth within the Historic Core. As such, the proposal accords with the requirements of policies CS1, CS2, CS3, CS13, CS15, CS19 and PS1 of the Core Strategy and the wider National Planning Policy Framework. The proposal is not CIL liable.

10.0 **RECOMMENDATION**

10.1 That the application be **GRANTED** subject to the following conditions:

Conditions

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. Development shall be carried out in complete accordance with the approved plans.

Reasons for Conditions

1. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
2. In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009. In the interests of residential amenities.

Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

3. The applicant is advised that should there be a change in the business (ie an intensification in cooking operations), the need for provision of an extraction system would need to be reviewed. Any external alterations would require Planning Permission.
4. Building control approval may be required for any proposed drainage work.
5. The applicant is informed that existing basement is not appropriate for conversion at this stage, due to concerns over access, emergency egress and asbestos. Consultation with Building Control and Environmental Health would be required to overcome these issues.