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File No: CHE/17/00384/FUL
Plot No: 2/5424 and 4395

ITEM 2

Conversion of existing buildings to 4 two bedroom dwellings, 2 ground floor one bed apartments and 2 two bed duplexes at Jubilee Works, Middlecroft Road, Staveley, S43 3XN

Local Plan – Unallocated
Ward – Middlecroft and Poolsbrook

1.0 CONSULTATIONS

DCC Highways	Several issues not considered to be satisfactory, revisions sought – see report
Design Services	No objections.
The Coal Authority	Low to medium risk development – Site investigations required.
Environmental Services	No objection
Forward Planning	No objection. Additional information sought
Urban Design Officer	No objection, verbal comments given.
Ward Members	No comments received
Neighbours/Site Notice	No objections

2.0 THE SITE

2.1 The site is known as Jubilee Works and is sited on the eastern side of Middlecroft Road and is just over 40m from the junction with Chesterfield Road. The Works formerly

operated as a unit selling boilers, but has also had several other uses in the past including a community centre.

2.2 The buildings are adjacent to the road and of a comparable scale to the surrounding 2 storey dwellings. The building upon the northern side of the site has windows that are of a size and style of dwelling windows. The southerly building has windows that vary in size, position and style, especially upon the ground floor. The front elevation of both buildings has been clad in fake stone, set amongst the predominant finish of red brick for the frontages of surrounding dwellings.

2.3 To the rear of the site there is a lean-to single storey building which connects the southerly building on site up to the rear of the site. There is also existing parking to the rear of the site and an access road to the northern side of the buildings. There is an existing dwarf wall and fence boundary treatment to the north of the site as well as outer wall which is part of the existing outbuildings to the east of the site. Across the road from the site there is a triangular hard but rough surfaced area which is used informally for parking by local people and this is also part of the application site.

2.4. The surrounding area is generally residential, with two storey terraced housing the predominant housing type.

3.0 **RELEVANT SITE HISTORY**

- CHE/14/00077/COU - Change of use to health and fitness club, games club, community centre providing various courses (first aid, holistic, British sign language) cafe and shoppers crèche – Refused – 26/03/14

4.0 **THE PROPOSAL**

4.1 The application seeks permission to demolish the existing rear single storey buildings and then convert the remaining buildings into residential units. The southerly buildings on site will be converted into 4 no 2 bedroom dwellings, the northern building will be converted into 2 no 1 bedroom flats at ground floor level and then 2 no 2 bedroom duplexes on the 1st and 2nd floors of the building.

- 4.2 As well as this change of use and internal changes there will be a larger parking area to the rear, amenity space to the south-east corner as well as many external changes to the buildings to facilitate the new residential usage. This includes a box dormer roof extension to the rear of the northern building, a new stairwell that will commence on the northern side elevation and bend round the building to meet the new doorway which is sited in the middle of the 1st floor rear elevation. The whole elevations of the buildings will be renovated to include windows and doors related to the proposed new units, as well as a rendered 1st floor level. In the front elevation the windows in the northern building will be retained in situ, but the southerly part will be re-configured to include 4 new doorway-sized full length windows and then a window per floor per unit. Within the roof of the northern building 2 large velux windows will be included.
- 4.3 To the rear of the buildings there will be 3 reasonable sized rear gardens for houses 1, 2 and 3, with house 4 supplied with a small yard. All these dwellings have access to the rear of the site via an access route to the rear. The duplexes and flats have a shared space for amenity space and drying clothes. The garden space for houses 1, 2 and 3 will be approximately 40 sqm, house 4 will have 16 sqm and the shared amenity area will be 34 sqm in size.
- 4.4 To the rear of the site there will be 1 parking space per house and duplex. Across the road from the site there will be a separate area with 5 parking spaces available for the site, with 2 spaces for the apartments and 3 more split between the residents and visitors.
- 4.5 Access to the properties will all be from the rear, with a vehicle and pedestrian access to the north of the site. This is an established access that was used previously by a previous business on site. It is proposed to demolish some of the external boundary treatments and replace them with one of a comparable size and style. It is also proposed to use some cladding on the building, to ensure the building adheres to building regulations.

4.6 The exact information regarding the separation of the dwellings' amenity space, the type and size of the gate to the site and bin store is unclear at this point.

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

5.1.1 The site is situated within the Middlecroft and Poolsbrook wards of Chesterfield. This area is predominantly residential in nature. Having regard to the nature of the application, policies CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Council's Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

5.1.2 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:

- a) adhere to policy CS1
- b) are on previously developed land
- c) are not on agricultural land
- d) deliver wider regeneration and sustainability benefits
- e) utilise existing capacity in social infrastructure
- f) maximise walking / cycling and the use of public transport
- g) meet sequential test requirements of other national / local policies

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.

5.1.3 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.

In addition to the above, the NPPF places emphasis on the importance of good design stating:

'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Planning 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 and the way it functions.'

- 5.1.4 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.
- 5.1.5 After reviewing the application against the relevant policies the principle of the proposal is considered to be acceptable. It is within a residential area and a development in this location would support the council's spatial strategy of 'concentration and regeneration' by re using a brownfield site in a location well served by a range of facilities and methods of transport. In this respect the proposal is in line with CS1 and CS2.

5.2 **Design and Visual Amenity**

- 5.2.1 In accordance with Core Strategy Policy CS18 all new development should identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context. In doing so developments are expected to respect the character, form and setting of the site and surrounding area; having regard to its function, appearance, scale and massing.
- 5.2.2 The scheme is for the demolition of the rear outbuildings and conversion of the two storey buildings into 4 houses, 2 apartments and 2 duplex apartments. This would include dormer windows being inserted onto the roof of the northern building to facilitate the usage of the 2nd floor into living quarters.

5.2.3 At present the site is vacant and a previous planning application for its use was refused, so it is important to find a positive solution for the site. The re-use of this brownfield site for an alternative purpose which is both viable for a developer and attractive for potential users requires some compromises to be made. At present the frontage of the site is clad in a fake stone and it also has a mixture in size and positioning of the windows. The proposal would change the existing building into one which would fit into the streetscene in terms of the windows and doors, and would have a finishing material on the front wall that would be more suitable for its location. Having considered this it is considered that the proposal is acceptable in terms of visual amenity. In terms of the design of the scheme, compromises have been made, which lead to a site which does not adhere to all space standards, but the re-use of a vacant building into a renovated and refurbished scheme is considered to be a positive addition to the Staveley area, and will add smaller flats and flats into the housing mix in the area.

5.2.4 Overall the scheme is considered to be of an appropriate design which would be in-keeping within the surrounding area. Overall the proposed development is considered to be appropriately sited, scaled and designed to respond to the provisions of policies CS2 and CS18 of the Core Strategy and the wider SPD.

5.3 **Residential Amenity**

5.3.1 Core Strategy Policy CS18 comments that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.

5.3.2 In terms of amenity space the site of the 2 main buildings are being re-used, whilst also providing an acceptable amount of amenity space, parking provision and whilst not impacting upon the amenity of existing neighbouring residents or future residents of these units.

- 5.3.3 The garden space for houses 1, 2 and 3 will be approximately 40 sqm, house 4 will have 16 sqm and the shared amenity area will be 34 sqm in size. As well as this it is not clear how these spaces will be separated in terms of boundary treatments and achieving a level of privacy and this matter would therefore need to be the subject of a condition on any approval given.
- 5.3.4 In terms of private amenity space, 2 bedroom houses are required to have at least 50 sqm per unit, as stated within the Successful Places SPD (2013), but these requirements are more flexible within developments where buildings are being converted. 3 out of the 4 houses have 40 sqm of amenity space, which is considered to be an acceptable level of garden space compared to the surrounding area. These gardens are to the rear of the houses and include access for the residents into the rear space. House 4 only has 16 sqm of private amenity space, which will produce a garden that is significantly smaller than that required, and a space that is questionable in its effectiveness as a functioning garden. Such a compromise however ensures that the residents of the 2 apartments and 2 duplexes have a shared amenity space area; providing the residents of these units with a space to dry clothes in and other uses. Many flats in town centres have no private or shared amenity space, so the inclusion of some space for these residents is considered to be a positive. Although this design is by no means perfect it is considered a good attempt to make best use of the available space on site.
- 5.3.5 There is a note on the drawings to show where a bin storage area will be but no details as to the size or design of this. A condition will be attached to clarify the design, size etc of this. No information has been supplied regarding cycle parking on site, but it is considered that the residents could park their cycles within their gardens. There will also be additional conditions in relation to fence materials, design and height, the gate, the cladding proposed for the outside of the building and soft landscaping plans for the rear.
- 5.3.6 In terms of the rear gardens being “private spaces” the heights of the boundary treatments in-between these spaces

is not clear at present. Due to the surrounding high walls (2.6 - 3m) and the small size of these spaces it is a consideration that although the boundaries will be marked out that these boundaries should be kept low (1m) so they do not become oppressive. The original plan was for this whole space to be a shared space, but after discussions with the applicant this was altered. The details of this are unclear at present so this issue is to be dealt with via condition.

- 5.3.7 The proposal will not lead to any overshadowing, as no new buildings are being constructed. In terms of overlooking the proposal will lead to the properties being able to overlook each other's rear gardens. Within this area it is common within terraced houses for this to be the case.
- 5.3.8 In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded the proposals will not significantly impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies.
- 5.3.9 Overall the scheme is considered to be of an appropriate design which appropriately responds to site parameter constraints to protect neighbouring amenity. Overall the proposed development is considered to be appropriately sited, scaled and designed to respond to the provisions of policies CS2 and CS18 of the Core Strategy and the wider SPD.

5.4 **Highways Issues**

- 5.4.1 Comments have been received from the **Local Highways Authority (LHA)** stating they have some issues with the proposal. They comment that:
- 5.4.2 *The proposal would utilise existing access to Middlecroft Road. That to the rear of the premises is substandard and as such the Highway Authority would not wish to see an intensification in its use. The applicant should provide information to substantiate that this would be the case.*

It is noted that off-street parking forms part of the proposal, part to the rear of the premises and part on the opposite side of the road. With regard to the parking to the rear of the premises, the spaces appear somewhat constrained, especially in terms of manoeuvring into and out of the spaces. On the opposite side of the road the parking space for the apartment appears to encroach outside the site boundary. The applicant should be aware that parking spaces should measure a minimum 2.4m x 5.5m clear of any shared/manoeuvring area. You may also wish to consider whether both areas should form part of the application i.e. be outlined in red rather than as shown.

The proposal as put forward would involve residents of the properties crossing a busy road that is also a bus route. Whilst the situation currently exists, the proposal would involve a different demographic group, including children and it is considered that there are issues of highway safety.

There is a single yellow line on both sides of the road restricting parking during the day and given the current use of the premises parking is unlikely to take place outside working hours. The proposal could be likely to lead to evening parking on the site frontage thereby causing further obstructions on the highway in closer proximity to the junction of Middlecroft Road with Chesterfield Road.

The applicant should submit details to satisfactorily address the above issues and the Highway Authority will be pleased to comment further.

In the meantime it is suggested that the application is withdrawn or held in abeyance.

5.4.3 In response to these comments the applicant responded as follows:

5.4.4 *I write in response to the Highway Authorities comments on the above application. The first point that has been raised is concerns regarding the substandard access and parking arrangements for the proposal. As stated in the supporting information which accompanies the application, the previous use of the building was for employment purposes. The*

previous owner employed 10-15 people, and had up to 6 deliveries to the premises per day, 6 days a week. A change of use to residential would therefore not result in an intensification of the use of the access or parking on the site. The second concern raised was in relation to the off-street parking arrangements. Revised plans have now been submitted to the Local Planning Authority, please refer to attached drawing. P473.6 C. Amendments have been made as follows:-

- 1. Parking arrangements now measure a minimum of 2.4m x 5.5m clear of any shared/manoeuvring area as requested.*
- 2. The stairwell to the rear of the building has been amended to run parallel with the building to allow further room to manoeuvre.*
- 3. The remote parking area has a drive on/drive off parking arrangement*

For completeness I have also attached an image of the site showing how access to the rear of the properties can be achieved from the end of West View. This is more likely to be the preferred/desired access point that residents will utilise to access from the rear of their properties on West View. The third point of concern raised by the Highway Authority relates to the remote parking on the opposite side of the road and residents having to cross a busy road. The concerns regarding young children having to cross a main road are noted, but these parking spaces are predominantly for visitor parking, with the exception of the provision for the apartments (AP). However, as the apartments are 1 bedroom units, these are unlikely to be occupied by a family. Whereas the houses which are more likely to attract a family do have a designated parking space to the rear of the dwellings negating the need to cross the main road.

It is worthy of note that the site has good transport links which can discourage and reduce the number of trips made by car. Furthermore whilst it might not be the most ideal parking solution given the constraints of the site, there is a balance to be struck in terms of bringing the site forward and back into use verses ensuring that adequate parking provision is provided for the proposal. Paragraph 32 of the NPPF clearly states that development should only be prevented or refused on transport grounds where the

residual cumulative impacts of development are severe, which is not the case here.

- 5.4.5 The proposal includes 1 parking space per dwelling for the houses and duplexes to the rear of the site, with additional parking spaces offered across the road from the site with 1 space per apartment and 3 additional spaces for the units and visitors. This provides 11 parking spaces for 8 units. The majority of occupants of the scheme will all be able to park within the main part of the site however residents of the apartments will be required to cross Middlecroft Road to get to their dwellings along with visitors to the site.
- 5.4.6 One of the issues raised by the Highways Authorities is the crossing of a reasonably busy road by the potential residents. It is considered that the reasoning presented by the applicant, that the residents of the one bedroom apartments are unlikely to be families, and that the rest of the units have one parking space to the rear of the main part of the site, is a valid point.
- 5.4.7 Another issue raised by the Highways Authority concerns the area to the rear of the site where there are parking spaces and a turning space. This area has been previously used for this purpose, and it is considered that the re-configuration of this space to lose the parallel parking space and re-design of the stairwell to the rear of the northern building helps to make this space function better. All the parking spaces offered are now 2.4m by 5.5m in size, which adheres to highways standards.
- 5.4.8 At present the Highways Authority has not re-visited their previous comments, but it is considered that the proposal is now acceptable.
- 5.4.9 Having regard to policies CS2 and CS18 of the Local Plan in respect of highway safety it is not considered that the development proposals pose a significantly adverse risk to highway safety contrary to the views of the Highway Authority.

5.5 **Flood Risk/Drainage**

5.5.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7), it is noted that the application site is not at risk of flooding. In respect of drainage, the application details that the development is to be connected to mains foul and surface water is to be handled by means of existing mains. No details have been provided to show this. A condition will be necessary for information about how this will function, including surface water flooding from the parking spaces on the section of the site across the road

5.6 **Land Condition/Contamination**

5.6.1 The site the subject of the application is currently developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy. The Environmental Services Officer has no objection and does not make a request for a land contamination report.

5.6.2 In respect of potential Coal Mining Risk, the site lies within the High Risk Area. The Coal Authority was consulted on the application and stated within the Coal Mining Report findings that site investigation works should be undertaken prior to development.

6.0 **REPRESENTATIONS**

6.1 As a result of neighbour notifications no responses were received.

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 highway authority, the development affects highway safety, 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. The applicant also took advantage of pre application discussions in this case.
- 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 **CIL LIABILITY**

9.1 Having regards to the nature of the application proposals the development comprises the creation of new residential accommodation and the development is therefore CIL Liable.

9.2 The site the subject of the application lies within the low CIL zone and therefore the CIL Liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

plot	New GIF sqm	calculation	total
Whole site	340	340 x £20	£6,800
Total			£6,800

10.0 **CONCLUSION**

10.1 The proposals are considered to be appropriately designed such that they are considered in keeping with the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. The location of the proposed development site is appropriate, is well served by public transport, and is in close proximity to amenities. As such, the proposal accords with the requirements of policies CS2, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

10.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8 and CS18 of the Core Strategy and the wider NPPF in respect of Highways, the Coal Authority, drainage, and materials.

11.0 **RECOMMENDATION**

11.1 That a CIL Liability Notice be served in line with paragraph 9 above.

11.2 It is therefore recommended that the application **GRANTED** subject to the following:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.

02. All external dimensions and elevational treatments shall be as shown on the approved plans:
- Boundary Wall Drawing no.P-473.11
 - Location Drawing no.P-473.6 rev.E
 - Planning Elevations no.P-473.1 rev.B
 - Design and Access Statement
 - Planning – Layouts GF Drawing no.P-473.4
 - Planning – Layouts Drawing no.P-473.5 rev.A.
- with the exception of any approved non material amendment.

Reason - 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.

03. Before any operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods, vehicles, parking and manoeuvring of employees and visitors' vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designed use throughout the construction period.

Reason – in the interests of highway safety

04. No dwelling shall be occupied until space has been laid out within the site in accordance with the approved drawings for vehicles to be parked and for vehicles to

turn so that they may enter and leave the site in forward gear.

Reason – in the interests of highway safety

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the parking of private motor vehicles associated with the residential occupation of the properties without the grant of further specific planning permission from the Local Planning Authority.

Reason – in the interests of highway safety

06. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the cladding materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

Reason - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.

07. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason - In the interests of residential amenities.

08. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed, or additional windows erected or installed at or in the dwellings

hereby approved without the prior written agreement of the Local Planning Authority.

Reason - In the interests of the amenities of occupants of adjoining dwellings.

09. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues and contamination on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the remediation / stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

Reason: To fully establish the presence and / or otherwise of any contamination and / or coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site.

10. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The details shall include proposed finished levels; means of enclosure; gates; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials and bin storage areas. The agreed details shall be implemented as part of the development and be retained thereafter.

Reason: The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.

Notes

01. 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.

02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.