

ITEM 4

PROPOSED CHANGE OF USE AND EXTERNAL CHANGES FROM A2 (FINANCIAL AND PROFESSIONAL SERVICES) TO C3 (DWELLING) (REVISED PLANS AND DESIGN AND ACCESS STATEMENT RECEIVED 11.03.2019) AT NATWEST, 10 HIGH STREET, STAVELEY, CHESTERFIELD, DERBYSHIRE, S43 3UJ FOR MR D PALTERMAN

Local Plan: Town, District and Local Centres

Ward: Middlecroft and Poolsbrook

Date: 9th May 2019

1.0 Consultations

Local Highways Authority	No objection
Ward members	No comments received
Town Council	No comments received
Forward Planning	Comments received 28/02/2019, 02/04/2019 and 03/04/2019- see report
Environmental Services	No objection
Design Services	No objection
Urban Design Officer	Comments received 08/03/2019 and 02/04/2019- see report
Site notice & neighbour consults	Objection received- see report

2.0 The Site

- 2.1 The premises, the subject of the application, is a two storey commercial building located on the eastern side of High Street, Staveley. The premises is located approximately 50 metres north of the junction between High Street and Market Street, within the main shopping area of Staveley.
- 2.2 The building is set back from the traffic calmed road by a public footway, which is approximately 3.5 metres in width. Ballard posts define the area between the public footway and the road.

- 2.3 The premises is reported to have ceased use as a bank, operated by Natwest, on 28th September 2017 and the premises have been vacant since.



Above: The application site

3.0 The Proposal

- 3.1 This application proposes the change of use of part of the ground floor area of the former bank to no.2 flats; both of which are proposed to be 1 bedroom flats. (The remaining ground floor area of the former bank has been considered for a change of use under a separate planning application of prior approval; CHE/19/00135/PNCOU).
- 3.2 The no. 2 proposed flats being considered in this application are located to the rear of the former bank area, at the most eastern side of the premises, labelled as flat 4 and 5 on drawing number KJ2900/02, Revision E.
- 3.3 Flat no. 4 is proposed to be situated on the south side of the premises. This flat is proposed to be a one bedroom flat with access to a private outdoor amenity area. The proposed outdoor amenity space will provide approximately 28 square metres of external space.

- 3.4 Flat no. 5 is proposed to be situated on the north side of the premises. This flat is also proposed to be a one bedroom flat with access to a private outdoor amenity space. The proposed outdoor amenity space will provide approximately 19 square metres of external space.
- 3.5 Also included in this application are the proposed external changes required to facilitate the proposed flats, as well external changes in relation to the prior approval application referred to above (see section 3.1).
- 3.6 The external changes required for the proposed flat labelled as flat no. 4 are as detailed below:
- The inclusion of a high level (minimum of 1.8 metres above external ground level) window. The proposed window will be situated in the bathroom of the flat on the south facing elevation of the building. The window is proposed to have dimensions of 2.2 metres x 0.4 metres.
 - There is also a proposed roof light above the kitchen area of this flat. The roof light is indicated to be 2 metres x 1 metres.
 - The removal of the south window on the east facing elevation allows for a reconfiguration of the east facing elevation. The reconfiguration includes a window to serve the bedroom area of the flat, a door way to provide the only access to the flat, and an additional window into the lounge area.
 - The amenity area associated with flat no. 4 proposes the installation of a 1.8 metre high timber panel fence. This is proposed to be installed adjacent to the existing steel palisade fencing. This proposed fencing will be situated along the south boundary (approximately 5.5 metres projection out from the rear of the premises to the site boundary). The fencing is proposed to continue northwards, along the north-south boundary for approximately 5.2 metres.

- The outdoor amenity area for flat no. 4 also indicates the inclusion of various low level, low maintenance shrubs planting to be included. There is a Crab Apple tree included too, to be situated in the south corner of the amenity area.

3.7 The proposed external changes required for flat 5 are as follows:

- The removal of the north window on the east elevation to allow a secondary access to the flat. This secondary access will open directly from the bedroom of the flat no. 5. There is also a window proposed to be added to the east elevation, situated towards the north of the east elevation. This window will also serve the bedroom in flat no. 5.
- It is also proposed that the existing fire escape door, located on the north elevation at the east of the site, will be removed and bricked up.
- On the north elevation of the premises, there is a door to access the existing first floor flat above the former bank. Adjacent to this access door, on the north facing elevation, a window to serve the lounge area and the primary access door to flat no. 5 is proposed.
- The amenity area associated with flat no. 5 proposes the installation of a 1.25 metre high facing brick wall, with a 0.5 metre high timber panel fence attached to the top. This proposed wall and fence will project 3.9 metres beyond the east facing elevation, to form a divide between the outdoor space of flat no. 4 and flat no. 5, whilst the north side of the outdoor amenity area will project 3.3 metres beyond the wall of flat no. 5.
- The outdoor amenity area for flat no. 5 indicates the inclusion of various low level, low maintenance shrubs planting to be included.

3.8 In addition to the above identified changes, the application seeks approval for further external alterations to allow the necessary changes in relation to the prior approval application that has been

received by this Local Planning Authority. These proposed changes are detailed below:

- The existing windows on the north elevation that are set back approximately 6.3 metres from the front elevation are proposed to be changed. The most east of the two windows is proposed to be changed from the existing window to an escape window. The window size will remain the same however, measuring 1 metre x 1.2 metres.
- The window immediately adjacent the above mentioned window is proposed to be converted to a door.
- The most obvious proposed external change is the change that is proposed to the front elevation of the building. Currently the building is presented with an obvious shop front elevation. The applicant is however proposing to change this frontage to include no. 4 windows that are similar in size and appearance to those already in situ on the frontage of the premises. The proposed windows will be 1.1 metres x 1.2 metres and feature stone heads to match the existing stone heads. The proposal will also seek to remove the existing aluminium shop frontage and replace with sandstone to match the remainder of the building.
- At the far south of the front of the application site (west facing elevation), where the ATM machine was once situated, a new door access and window is proposed. Both the window and door are shown to be the same size and appearance as the existing and other proposed doors and windows at the application site.
- Finally, on the south elevation the application proposes the inclusion of no. 2 additional high levels windows to match the proposed high level window that is included within flat no. 4. The no. 2 windows will be situated 1.8 metres above external ground level and each will have dimensions of 2.2 metres x 0.4 metres.

3.9 In addition to the alterations proposed within the building, the application seeks to include external changes within the site boundary. These are detailed as follows;

- Located at the north east corner of the premises, there is a planting scheme detailed. The area of such is approximately 6.2 metres x 2 metres and provides additional space for greenery within the site. Included in this area of greenery is low level, low maintenance shrubs and a Hupeh Rowan tree. This area of planting, once established, will be visible from the High Street.
- Along the west – east boundary of the site, which is situated parallel to the car parking provision area, additional outdoor planting is proposed. A new 1.8 metre high timber fence is proposed along this boundary, alongside the existing steel palisade fencing.
- The proposed planting is reflected on the most northern boundary of the site, which adjoins a car park on the northern side. The car park is shielded from view of the application site by a red brick wall.
- Along the west boundary of the application site, which forms a boundary with no. 12 High Street and is approximately 10.6 metres in length, the siting of a bin store and cycle storage facilities is proposed.
- The proposed bin storage will run parallel along the west boundary of the site. The storage is indicated to be 2.3 metres in length, with a depth of 1 metre. The storage will have a maximum height of 2.211 metres and a height to the eaves of 1.5 metres. The proposed bin storage will be constructed out of facing brick materials to match the existing boundary wall of which the store will be adjoined to. The roof will have concrete interlocking roof tiles with timber access gates. There is indicated to be provision for no. 6 bins to be stored.

- The proposed cycle storage will be situated in the far north west corner of the application site. The cycle storage is indicated to be 3.6 metres in length and 2.2 metres in depth. It will have a maximum height of 2.902 metres, with a height to the eaves of 2.1 metres. The storage is indicated to facilitate up to no. 8 bicycles (no. 4 bike hoops each holding no. 2 bicycles).
- Both of the storage areas will be situated within the outdoor amenity area. This will be defined by a block paving area, similar to those provided in the private amenity space of flats no. 4 and no. 5. The area will also be segregated from the car parking area by a 1.250 metre high brick facing wall. This brick wall will be fronted by low level, low maintenance shrubs.

4.0 Site History

- 4.1 CHE/0885/0555 – Display of illuminated projecting and fascia signs on a site at 8 - 10 High Street, Staveley, Chesterfield for National Westminster Plc.
Conditional permission granted 03/03/1985
- 4.2 CHE/0998/0488 – Internally illuminated signs
Conditional permission granted 19/10/1998
- 4.3 CHE/0988/0510 – New external shop fitting and first floor conversion from existing banking facilities to a two bedroom flat
Conditional permission granted 30/10/1998
- 4.4 CHE/1093/0571 – Erection of illuminated signs
Conditional permission granted 15/11/1993
- 4.5 CHE/0101/0031 – Installation of a 60cm satellite dish
Conditional permission granted 27/02/2001
- 4.6 CHE/0802/0514 – Erection of signage
Conditional permission granted 10/10/2002

- 4.7 CHE/04/00175/FUL – Installation of task lighting to comply with DDA Act objectives
Conditional permission granted 13/04/2004
- 4.8 CHE/15/00127/ADV – Removal of existing signage and installation of 1x 700mm high fascia with 1set 490mm high internally illuminated NatWest lettering and chevron logo, 1 x 600mm high externally illuminated hanging sign and 1x purple ATM bezel (replacement of 1 ATM insitu with new-like for like replacement) and 1x Nameplate
Conditional permission granted 29/04/2015
- 4.9 CHE/17/00379/FUL – Remove existing NatWest brand signage, ATM and night safe. Infill existing ATM and Night Safe apertures with new stainless steel blanking plate.

Conditional permission granted 20/07/2017

- 4.10 CHE/19/00013/CLOPUD – Certificate of proposed use of premises as a dwelling. Certificate of lawfulness refused 05/03/2019
- 4.11 CHE/19/00135/PNCOU– Change of use from A2 to C3.
Prior approval required, prior approval refused 09/05/2019

5.0 Considerations

5.1 Planning Policy

- 5.1.1 Section 386) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 required that, ‘applications for planning permissions must be determined in accordance with the development plan unless material considerations indicate otherwise.’ The relevant Development Plan for the area comprises of the saved policies of the Replacement Chesterfield Local Plan, adopted June 2006 (RCLP) and the adopted Chesterfield Borough Local Plan: Core Strategy (2011 – 2031).

5.2 Chesterfield Local Plan: Core Strategy 2011-2031 ('Core Strategy')

- CS1 - Spatial Strategy
- CS2 - Principles for Location of Development
- CS3 - Presumption in favour of Sustainable Development
- CS15 - Vitality and Viability of Centres
- CS 18 - Design
- CS20 - Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)
- SPD "Successful Places" (adopted July 2013)

5.4 Principle for Location of Development

5.4.1 The application site is situated within Staveley Town Centre, an area identified in the Core Strategy as a broad location for new housing development. The proposal would involve the redevelopment of a currently vacant premises which could aid in the delivering of "*wider regeneration and sustainability benefits to the area*" whilst maximising "*opportunities for walking and cycling and the use of public transport*". The proposal is therefore considered to be consistent with the Spatial Strategy set out in policies CS1 and CS2 of the Core Strategy.

5.4.2 The **Forward Planning** team were consulted in relation to this application, and commented (on 28/02/2019 in relation to drawings KJ2900/01 Rev A and KJ2900/02 Rev C, received on 7th January 2019) the following:

"CS2 Amenity – The external area is lacking in space, with very limited opportunities for drying clothes etc. The Residential Design Guide SPD recommends 25sqm of outdoor amenity space per flat. Many of the main living spaces are lacking in a reasonable outlook from windows.

CS6 Sustainable design – although the Code for Sustainable Homes has been abolished, the criteria a to d remain relevant and the proposal should set out how it meets these criteria.

CS18 Design – comment from the Urban Design officer should be sought. I am not convinced that the standards of amenity are appropriate in terms of dwelling sizes (approx. 50sqm per flat), natural light (particularly flat 3), outlook from windows of main living spaces and outdoor amenity space.

Planning Authorities should seek to secure ‘net gains’ in biodiversity where possible. A scheme for planting/landscaping and opportunities to provide roosting/nesting opportunities for birds/bats should be secured by condition.

To accord with CS20 and the parking guidance, there should be generous provision of secure covered cycle storage and some provision for secure motorcycle storage. The proposed vehicle parking (6 spaces) is limited but likely to be acceptable when taking into account the circumstances (location and dwelling types) of the proposal.

To conclude, although the site is sustainable, the proposal would represent the loss of a town centre use from a prominent and central location within Staveley Town centre, and as such would impact on the viability and vitality of the centre. Further information is required regarding marketing of the site for town centre uses. These concerns could potentially be outweighed by the provision of a high quality housing scheme, but the proposal is lacking in key aspects due to the design and amenity issues as noted above.”

5.4.3 Through a negotiated process and a number of revised drawings (see drawing number KJ2900/02, Rev D, received 11th March 2019), and further information provided, the revised scheme is presented under drawing number KJ2900/02, Rev E, received 29th March 2019. This is the final scheme being considered for this application.

5.4.4 The Forward Planning team’s final comments (received 3rd April 2019) in relation to this are as follows;

The full planning application for two flats to the ground floor rear of the building is broadly acceptable following the revisions that have been made to internal layout, windows, external amenity space, landscaping and cycle storage. All of which should be sufficiently conditioned.

However, the submitted information regarding marketing of the building is minimal, and provides no information on how the property was marketed, or number and nature of enquiries made. The recent Retail and Centres study by Nexus noted that:

“The draw of Morrisons, the attractive and pedestrian-friendly urban environment and the low vacancy rate provide for a vital and vibrant centre that provides well for its local resident population, given its scale.

The number of vacant units has reduced from 5 in 2008 to 3 at the time of the Nexus site visits in 2018. This equates to a 5.5% vacancy rate.

The finance and business services sector is particularly weak in Staveley. 2 banks are located on the high street (Lloyd’s and NatWest).”

Core Strategy Policy CS15 states that ‘New development should make a positive contribution to the centre’s viability and vitality, and that New housing will be permitted above ground floors uses.’

Similarly, the NPPF (paragraph 85) states that ‘Planning policies and decisions should support the role that town centres play at the heart of local communities’ and ‘Planning policies should...promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters’.

By allowing housing at the rear and at first floor level, this brings a suitable mix of uses whilst protecting the retail function of the centre, and for that part of High Street and the Market Place in particular which has a strong retail character.

On this basis, and to ensure compliance with Policy CS15, the external alterations to the front elevation reduce the legible retail frontage and undermine the sense of the High Street, and should not be permitted as they may inhibit future town centre uses in the building and are not necessary for development of the two flats.

5.4.5 Forward Planning's comments highlight the Nexus study that was carried out in 2018 which concluded that Staveley High Street is a vital and vibrant centre which serves the needs of Staveley well. Comments raised by the Forward Planning Officer recognise that there may be a need for mixed used premises within town centres; however these would be above ground floor uses. The officer however extends this comment, acknowledging that residential use to the rear of the premises will be suitable as the retail function of the frontage of the premises is retained.

5.4.6 Forward Planning's comments seek to ensure the retention of a commercial unit to the frontage of the application site. This would result in a mixed used site (commercial and residential) as well as a reduction in the overall commercial footprint of the premises. This reduction in commercial size may increase the commercial potential of the remaining unit.

5.4.7 This recommendation will be addressed by a planning condition on sections 9 and 10 of this report.

5.5 Design and appearance of the proposal

5.5.1 In respect of design and appearance of the proposal, the application and accompanying drawings and relevant information were initially viewed by the Council's Urban Design Officer. The Urban Design Officer's comments in relation to the initial scheme (on 28/02/2019 in relation to drawings KJ2900/01 Rev A and KJ2900/02 Rev C, received on 7th January 2019) were as follows:

1. *The provision of additional residential accommodation within town centre locations is supported in principle and has the potential to support the vitality and viability of local centres. As such, there is no objection to the principle of the conversion of the rear ground floor of No. 10 High Street.*

2. *Flats 4 and 5 measure approximately 42.3sqm and 45.6sqm respectively. Although CBC does not currently apply Technical Housing Standard - Nationally Described Space Standard (March 2015)*, this provides a useful benchmark against which the size of accommodation can be assessed. It is noted that both flats fall below the dwelling sizes defined by this standard as:*

a. 1 bed 2 person flat = 50sqm

b. 2 bed 3 person Flat = 61sqm

c. 2 bed 4 person flat = 70sqm

N/B bedroom sizes under the Nationally Described Space Standard indicate a single bedroom should achieve a minimum area 7.5sqm and a double bedroom 11.5sqm.

3. *Flat 4 equates to a 1 bed 2 person unit and Flat 5 equates to a 2 bed 3 person unit based upon the number of bedrooms shown. Although both bedrooms in Flat 5 are shown with double beds, neither room would meet the definition of a double bedroom under the Nationally Described Space Standard (March 2015). Although some flexibility might be applied in respect of building conversions, the overall unit sizes represent a compact form of accommodation when compared to the Nationally Described Space Standard.*
4. *Flat 4 contains only two windows. One window to the bedroom looks out into the rear yard. A further narrow, high level, horizontal window is provided to the side elevation serving the lounge. Although a roof lantern is proposed above this space, the accommodation would achieve only a very limited outlook to the primary living area.*
5. *Flat 5 contains two rear facing windows but has no direct access to the rear yard.*
6. *The external spaces around the building comprise tarmac surfaced yards enclosed by high brick walls, timber fencing and galvanised palisade steel fencing to the rear of Flats 4 and 5. These areas are devoid of landscaping or interest and represent a poor quality environment and outlook from the proposed accommodation.*

Guidance contained within the residential design SPD Successful Places (2013) advises that dwellings should have a reasonable outlook that does not detract from the quality of the residential environment (sec. 3.11.21).

- 7. Successful Places (SPD) also advises that wherever possible flats should be provided with some outdoor amenity space (25sqm per flat), whether private or communal, citing the ability of ground floor flats to be designed as garden flats i.e. with their own private garden area adjacent to the flat (sec. 3.11.15). The yard to the rear of Flats 4 and 5 has the potential to be designed to provide each unit with a modest private garden that would enhance the outlook and provide an attractive external amenity space. It is recommended that such spaces should include direct access from each flat into the yard (e.g. a French door or similar), screen fencing to mitigate the existing security enclosure, a low maintenance hard surfaced area (e.g. block paving or similar) and areas of low maintenance soft planting, such as modest shrubs e.g. in raised planters etc. and small trees suited to the modest space. The introduction of planted areas would also support delivery of a net gain in biodiversity, which is a requirement of the National Planning Policy Framework.*
- 8. The area of the existing yard proposed for parking is also a stark and unappealing environment, with utilitarian enclosures, surfaces and an absence of landscaping and lighting. This area would need to be designed to ensure a better quality space is achieved. The Successful Places (SPD) advises that parking courts should be safe, convenient and attractive spaces in their own right so they form an integrated part of the residential environment (sec. 3.8.20). At present, the proposed layout would not achieve this objective.*
- 9. The parking area could potentially be reconfigured to create an attractive external space, although this would require the omission of one parking space from the north bank of parking, to allow sufficient room around the margins of this area to incorporate planted edges and fencing. The space could achieve a suitable communal area (serving all the flats), combining hard and soft landscaping to improve its appearance and timber fencing to*

screen the steel security fence. The space should also include communal a drying area and cycle storage.

10. *Secure and weather tight cycle storage would be required for the flats. This would need to be resident controlled i.e. a key coded lock or door fob control and not open store/shelter.*

5.5.2 Through a negotiated process and a number of revised drawings (see drawing number KJ2900/02, Rev D, received 11th March 2019), and further information provided, the revised scheme is presented under drawing number KJ2900/02, Rev E, received 29th March 2019. This is the final scheme being considered for this application.

5.5.3 The Urban Design Officer's comments (received on 2nd April 2019) in relation to this final scheme are as follows:

Revised Proposal

The revised submission seeks approval for the conversion of the rear ground floor area of the former Natwest Bank premises into two flats. The proposal has now changed to provide two 1-bed flats (previously one 1-bed flat and one 2-bed flat were proposed).

A separate Prior Notification submission has been made for the change of use of the front part of the former bank into three 1-bed flats (under application ref. CHE/19/00135/PNCOU). This follows the determination of a Certificate of Lawful Proposed Use Development (ref. 19/00013/CLOPUD), for which it was concluded that 'prior approval' would be required for the proposed changes.

The comments are confined to the proposal for Flats 4 and 5, situated at the rear of the building and the external physical changes (under submission 19/00012/FUL) as shown on the revised drawing (KJ2900/02 Rev. E).

External building alterations to facilitate CHE/19/00135/PNCOU

External alterations are shown on this application for changes to the front, side and rear elevations. These involve the insertion of new windows and the removal of the existing shop front. These

changes are partly required for the conversion for Flats 4 and 5, but some are also necessary in connection with the prior notification application for the creation of Flats 1-3 (CHE/19/00135/PNCOU).

Application CHE/19/00135/PNCOU only relates to the change of use of the retail part of the premises. As such, any physical changes to the external appearance of the building have been submitted under the current application (19/000012/FUL). The provision of Flats 1-3 would only be acceptable in terms of the amenity of future occupiers if the windows were installed in accordance with the physical changes shown within this submission, as the retention of large shop windows and doors would not provide a reasonable level of privacy.

It would therefore be necessary to establish whether a mechanism is available to require the physical changes proposed under application CHE/19/00012/FUL, to be implemented prior to occupation of Flats 1-3, in the event that permission is granted for the separate prior notification application CHE/19/00135/PNCOU.

Assessment

- 1. Both Flats are now proposed to be 1-bed dwellings. However, both flats remain slightly less than 50sqm in area for a single flat under the National Technical Standard* (approx. Flat 4 = 45.5sqm & Flat 5 = 46sqm) and remain compact.*

Although CBC does not currently apply Technical Housing Standard - Nationally Described Space Standard (March 2015), this provides a useful benchmark against which the size of accommodation can be assessed.*

N/B bedroom sizes under the Nationally Described Space Standard indicate a single bedroom should achieve a minimum area 7.5sqm and a double bedroom 11.5sqm.

- 2. Both flats have also been reconfigured internally to enable windows to be provided to the main habitable rooms (i.e. living room and bedroom) with an outlook to the outside spaces+. Kitchen areas do not have an outlook but are lit from above.*

3. *A modest external garden space is also now provided to the rear of each flat (approx. 16sqm & 32sqm respectively) with an outlook and direct access between each flat and their external space+. This is appropriate and supported.*
4. *The external spaces around the building now include areas of soft landscaping and close board fencing is shown to screen the existing steel palisade fencing. This approach would enhance the external environment of the parking area and the outlook from the proposed flats. The introduction of planted areas would also support delivery of a net gain in biodiversity, which is a requirement of the National Planning Policy Framework. Although some details of landscaping are indicated, these are not comprehensive. As such, hard and soft landscape should be subject of a suitably worded condition, together with a requirement for its implementation.*
5. *A modest communal space (serving all the flats) is shown segregated from the parking and turning area and includes a weather tight and secure cycle store and bin store facility. Although this provides mainly an access to cycle and bin storage, these are contained and arranged logically and provide essential facilities for the occupants of the future flats.*
6. *No external lighting is currently indicated to the outside areas and lighting for the convenience and safety of the occupants should be provided. This could be managed by a suitably worded condition. Lighting should be included around the bin and cycle store (potentially attached to the wall or storage structures). PIR security lights would be appropriate.*
7. *Cycle storage should be resident controlled i.e. a key coded lock or door fob control and not open store/shelter. This is indicated on the submitted plan but should be required to be provided by condition prior to occupation.*

Conclusion

The revised proposal continues to represent a compact form of accommodation, although the quality of the external environment has been enhanced an improved outlook has been achieved through the reconfiguration of the internal layout of the flats.

Although Flats 4 and 5 remain small, in light of the revised design and improvements to the external environment, on balance it is considered that the proposals would now satisfy Policy CS18 Design (Core Strategy Local Plan, 2013) and guidance contained within the Successful Places SPD (2013). Conditions should be applied in respect of hard and soft landscaping (including boundary treatments) and its implementation, external lighting and security locks for the residents cycle store.

With regard to the proposed external physical alterations to the building, a number of these are necessary in connection with the separate prior notification change of use application (CHE/19/00135/PNCOU). However, it is unclear what mechanism might be used to ensure that these changes are implemented in association with that separate application. It will therefore be necessary to establish that a suitable level of amenity for Flats 1-3 is able to be achieved.

- 5.5.4 It is evident from comparing the initial planning drawings submitted to those submitted as the final revision for consideration (KJ2900/02 Rev E) that the scheme has been considerably improved from the initial submission. The comments raised by the Urban Design Officer have been incorporated into the final scheme which has created a higher quality scheme than initially sought.
- 5.5.5 The Urban Design Officer's comments highlight the compact living that flat 4 and 5 offer. Whilst the flats are slightly smaller than the recommended size as per the National Technical Standard, this is to be used as a guide as it is not formally adopted by this Council. Furthermore, it should be acknowledged that flats 4 and 5 will provide town centre living accommodation with additional private amenity space. The private amenity space offered with these two flats is considered to be of an acceptable size with an appropriate landscaping scheme proposed.
- 5.5.6 The Urban Design Officers comments highlight the provision of other hard and soft landscaping around the application site, as well as the private amenity space. As recommended, this can be conditioned to ensure appropriate provision and delivery.

5.5.7 The requirement for an outdoor lighting scheme will also be condition as per the Urban Design Officer's comments. The inclusion of external lighting, particularly around the bin store and bicycle storage areas is considered appropriate for health and safety and security reasons. The provision of a lighting scheme will ensure an area that has potential to be a dark secluded area of the site will retain some light to deter any anti-social behaviour, theft or damage etc.

5.5.8 The external changes to the premises that have been proposed to facilitate the two flats (flats 4 and 5) that this application seeks permission for (see section 3, 3.1 – 3.7), are considered to be appropriate and in keeping with the existing building design.

5.5.9 The proposed external changes in relation to the no. 3 flats located on the front of the premises (see section 3, 3.8 for detailed external changes), which also form part of this application however are not considered to be acceptable. Application reference CHE/19/00135/PNCOU has been refused because it is considered that the loss of a prominent commercial ground floor premises and the creation of an inactive commercial frontage will cause harm to a vibrancy and vitality of the town centre.

5.5.10 Given the reason for refusal of application reference CHE/19/00135/PNCOU, it would be inappropriate, as well as contradictory to policy CS15, to grant permission to facilitate the loss of an active retail frontage within Staveley Town Centre.

5.6 Highway Safety

5.6.1 The Local Highways Authority have been consulted on this application and have raised no objections.

6.0 Representations

6.1 The application has been publicised by neighbour notification letters which were sent to boundary sharing neighbours on 6th February 2019, deadline for responses being 27th February 2019. The application was also publicised by site notice on 5th February 2019. Two letters of representation have been received as a result;

one in support of the scheme and one making objection to the scheme.

6.2 Following the revision of the scheme, all interested parties were reconsulted on 1st April 2019, deadline for responses being 15th April 2019. Whilst no further representations were received, the original objector (comments received 26th February 2019) confirmed he wished for his comments to stand in respect of the revised scheme.

6.3 The objector, who identifies his address as Harleys, Market Street, Staveley commented the following:

In principle I have no objection to the above mentioned property being converted into flats, the only concern I do have is that the appearance should be architecturally changed to look like flats in appearance and not left looking like an old disused bank.

There is an original picture of the bank before it had an extension built on the front, I feel the property should be put back to how it was originally to be in keeping with the surrounding area.

I understand that planners have problem today because the high streets are in meltdown and that old shops have got to be made into alternative use and that this is a way forward to making affordable accommodation. However, we have to got to be careful that we do not turn these old shops into buildings that looks like ghettos, this making the area a shanti town and becoming an undesirable areas.

6.4 **Officer comments:**

The objector's comments are predominantly in relation to the proposed changes to the front of the property. The objector comments that he considers the frontage of the property should be put back to the frontage prior to the extension; however this is beyond the control of the Planning Authority.

Furthermore, the objector comments that he considers the frontage should be made to look like flats, and not left looking like an old bank. However, this comment contradicts the

comments made by the Forward Planning officer, who indicated that the frontage of the premises should remain as a useable shop which contributes to the high street shopping area.

Given the comments made by the Forward Planning officer (Section 5.4) and those made in the report by the case officer in Section 5.5.9, the case officer is recommending works in relation to the proposed no. 3 flats situated at the front of the premises (the west side of the premises), should not be granted by this planning application. Further details as to reasons can be found in Section 5.4 and Section 10.

NB: The no. 3 flats proposed at the front of the building are not being considered in relation to this application, however the external works to the frontage are.

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 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.

8.0 Statement of positive and proactive working with the 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.
- 8.3 The applicant/ agent and any objector will be provided with a copy of this report informing them of the application considerations and recommendation/ conclusion.

9.0 Conclusion

- 9.1 Overall, the proposed flats to the east of the application site (flat no. 4 and flat no. 5) are considered to be acceptable in design and appearance. The two flats which will occupy a former back office of the bank, will offer good living accommodation that is within a sustainable location as well as being set back from the high street shopping area. The private amenity space offered with the two flats provides opportunity for occupiers to have outdoor amenity provision as well as ensuring the application site to the rear of the existing building is given a meaningful use. The two flats with therefore accord with CS2, CS3, CS15, CS18, and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.
- 9.2 The external alterations within the application site seek to provide occupiers of the two flats proposed with further enhanced amenity space. The existing large car parking facility would be reduced in size to facilitate the provision of a bin store area and secure bike

storage area. This part of the proposal would also accord with CS2, CS3, CS15, CS15, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.

- 9.3 The alterations proposed in relation to the front no.3 flats, located to the west of the application site are not considered to be acceptable in design and appearance. The loss of a retail frontage in a predominant location of a defined shopping street is considered to be unacceptable given the vibrancy and vitality offered in Staveley High Street. The proposed external works therefore (detailed in Section 3.8 of this report) do not accord with CS2, CS3, CS15, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.

10.0 Recommendation

- 10.1 It is therefore recommended that the application be **GRANTED** subject to the following:

Conditions

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

***Reason-** The condition is 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 plan/s (drawings labelled *KJ2900/01 Rev A- Details as existing* and *KJ2900/02 Rev E- Details as proposed*) 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. Notwithstanding condition 2 above this planning consent shall not extend to the proposed external alterations to the High Street frontage proposed in connection with flats 1, 2 and 3.

Reason- *The external alterations detailed relate to the provision of no. 3 flats which were considered under application reference CHE/19/00135/PNCOU and refused planning consent. The removal of a retail frontage in a predominant high street location does not accord with policy CS15.*

04. Prior to the first occupation of the dwellings hereby approved, all hard and soft landscaping, including boundary treatments, the bin store area and the bicycle storage area, shall be implemented in accordance with the approved drawing (KJ2900/02 Rev E) and which shall be retained available for use 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.*

05. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as replacement for it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

06. A lighting scheme shall be submitted to, and approved in writing by the Local Planning Authority. The lighting scheme shall be designed to provide visibility to the bin store area and the bicycle storage area. The agreed lighting scheme shall be

implemented prior to the first occupation of the dwellings hereby approved and which shall be retained thereafter.

Reason- *The condition is imposed in order to enhance the appearance of the area and in the interests of safety and security.*