

Appendix D

Appeal by Mr Cosimo De Girolamo

Change of Use to Community Café and Pizzeria at garage premises on New Queen Street, Chesterfield.

CHE/18/00772/FUL

2/530

1. Planning permission was refused on 12th March 2019 for a change of use to a community café / pizzeria at Garage premises on New Queen Street for the following reasons:

In the opinion of the local planning authority the proposal is not acceptable having regard to the limited local parking opportunities available for staff and customers and which is likely to result in indiscriminate parking in the area contrary to the best interest of highway safety and residential amenity. The proposal is therefore considered to be in conflict with policy CS2 and CS18 of the Chesterfield Local Plan Core Strategy 2011 - 31 and the wider National Planning Policy Framework 2019.

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issue are the effect of the development on the living conditions of nearby residents with regards to car parking, and the effect on highway safety. The appeal site comprises a single-storey building located in New Queen Street, Chesterfield. The surrounding area comprises residential properties to the north and west of the appeal site, with retail and commercial units along Newbold Road to the south. The proposed development would see the change of use with alterations to the front elevation. The original application is for the café/pizzeria with a maximum of 75 covers.
4. There are no off-road parking facilities at the appeal site meaning that any parking associated with the proposed use by staff and customers would need to take place on surrounding roads. Very few properties in the area have off-street parking and the streets around the appeal site are subject to permit-restricted on-street parking, although the

restrictions are only in force from 08:00 until either 18:00 or 20:00 and some of the spaces allow public parking for a maximum of two hours. The Council car park to the rear of the appeal site provides off-street parking for only approximately 15-20 cars for a maximum of three hours and is shared by users of the shops on Newbold Road and local residents.

5. The proposed development would generate a significant additional demand on car parking spaces in an area with limited car parking capacity, particularly outside the times when the parking permit restrictions are in force which is when there is the greatest demand for residential parking. Whilst the appellant's aim would be to attract local people to the café/pizzeria, it is impossible to rule out the potential for customers from further afield to visit the café/pizzeria, causing further demand for parking spaces. The increased demand for parking spaces would have a significant adverse effect on the living conditions of local residents with regard to car parking, as it would prevent residents from being able to park outside or close to their homes. Furthermore, the indiscriminate parking and congestion that would result from the proposed use would have a harmful effect on highway safety.
6. Even if the proposal was amended so that the café/pizzeria served a maximum of 45 covers as suggested by the appellant in the appeal process, the inspector was not persuaded that this reduction would sufficiently reduce the impact on parking in the area and the subsequent harm to highway safety and the living conditions of the neighbouring residents. Furthermore, the inspector was not persuaded that a condition to restrict the use in this way would be enforceable.
7. The inspector accepted that the proposal would renovate and bring back to life an unused building that does not currently contribute positively to the appearance of the street, and that the proposal would provide employment. The inspector understood that a local restaurant has recently closed and, while there are other establishments for eating and drinking in the locality, the inspector acknowledged that the proposed use could be a benefit to the local community. However, these benefits do not outweigh the harm that has been identified.

8. The inspector noted the appellant's contention that a two-hour limit on parking in the car park at the rear could free up space for customers. Such an arrangement would prejudice those who currently park on the land but in any event as the land is not owned by the appellant, and moreover, as the Council has not indicated their willingness to such a proposal, the matter cannot be controlled by planning condition. Accordingly, this matter carries no weight in determination of the appeal.
9. For the reasons given above, the inspector considered that the proposed extension would cause material harm to the living conditions of local residents with regards to car parking and to highway safety. The proposal would be contrary to Policies CS2 and CS18 of the Chesterfield Borough Council Local Plan Core Strategy which seek to ensure that a proposed development is suitable for its location, and that a development does not cause harm to the area or neighbouring residents.
10. Other than the proposed alterations to the front elevation of the property there were no details of the proposed conversion before the inspector including any details of windows, including rooflights, to the rear of the premises or details of extraction/ventilation equipment. Given that the building is of a lower height than the surrounding residential properties the inspector shared the Council's concern about the impact of the proposed use on the neighbouring occupiers in terms of noise and smell. However, this issue has not in itself been decisive.