

Case Officer: E Casper
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Committee Date: 7th January 2019

Application No: CHE/18/00745/FUL
Plot No: 2/2686

ITEM 2

CHANGE OF USE OF EXISTING ANCILLARY COACH HOUSE TO BECOME A SEPERATE DWELLING WITH GARDEN (SEE CHE/18/00512/FUL) AT 13 GLADSTONE ROAD, CHESTERFIELD, FOR MR JOHN WREGHITT

Local Plan Unallocated
Ward: Brockwell

1.0 CONSULTATIONS

Local Highways Authority	Comment received, 11.12.2018
Forward Planning/Policy Team	Comment received 03.12.2018
Design Services Drainage	No objection, comments received 28.11.2018
Environmental Health Officer	No objection, comments received 19.11.2018
Yorkshire Water	No comments received
The Coal Authority	No comments received
Neighbours	Two letters received

2.0 THE SITE

- 2.1 The site subject of the application consists of a large detached building, thought to be Victorian construction and includes a two storey detached 'Coach House' located to the rear of the site adjacent to the western/north western boundary. The 'Coach house' appears to have been converted to ancillary accommodation around 2006 and internally consists of a bedroom and living accommodation at first floor level and utility at ground floor with attached greenhouse.
- 2.2 The application site is located in an area characterised by large residential properties, a number of which have been converted to

multiple occupancy accommodation and commercial premises. The site is considered to be an edge of town centre location, situated approximately 350m from the defined Chesterfield Town Centre.

3.0 RELEVANT SITE HISTORY

- 3.1 CHE/18/00512/FUL - Existing ancillary out building to be altered and greenhouse converted to kitchen with new roof – **CONDITIONAL PERMISSION (17.09.2018)**

Consent was granted under application CHE/18/00512/FUL for the conversion of the existing coach house as ancillary living accommodation to the main house.

- 3.2 CHE/1276/653 – Conversion of existing stable/garage buildings to rear of 13 Gladstone Road Chesterfield for two bedroomed flat for Elizabeth J Simon - **CONDITIONAL PERMISSION (22.02.1977)**

In 1977 consent was granted for the conversion of the coach house to a two bedroom flat, however no evidence could be found that this consent was formally implemented.

SURROUNDING SITE HISTORY

- 3.3 CHE/775/336 - No 14 Gladstone Road was granted permission for the conversion of Coach House to a separate dwellinghouse in 1975.

4.0 THE PROPOSAL

- 4.1 This application seeks to formally separate the coach house from the main dwellinghouse (No 13) to create a separate residential dwelling with private garden and shared driveway access. Internal works to the building have already approved under application CHE/18/00512/FUL.

- 4.2 The application submission is supported by the following plans/documents:

- Amended site location plan, drawing reference JW 281018-A (showing 4 parking spaces and space for manoeuvring and a separate garden space of 84m²)
- Site location plan
- Notes to planning application for 13 Gladstone Road, Chesterfield, Derbyshire, S40 4TE

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS7 Managing the Water Cycle
- CS8 Environmental Quality
- CS10 Flexibility in delivery of Housing
- CS18 Design
- CS20 Influencing the demand for travel
- National Planning Policy Framework (NPPF, July 2018)
- SPD 'Successful Places: A Guide to Sustainable Housing Layout and Design' (adopted July 2013)

5.2 **Principle of Development**

5.2.1 The following planning policies are considered relevant for the consideration of principle of the development; spatial strategy (CS1), and the location of proposal (CS2).

5.2.2 *Policy CS1 states that 'The overall approach to growth will be to concentrate new development within walking and cycling distance of centres.'*

5.2.3 *Policy CS2 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.'

- 5.2.4 The Planning Policy/Forward planning team were consulted on the proposal and provided the following comments with respect to the principle of the development and planning policy.
- 5.2.4.1 *‘The proposal is for the conversion of an ancillary coach house to a separate dwelling. An application for alterations to the existing ancillary outbuilding (first converted in 2006) was approved in September 2018. In terms of Spatial Strategy, the proposal does accord with CS1 as the site is within walking and cycling distance of the town centre. The proximity to the town centre permits the use of sustainable modes of transportation (CS2, f) and the re-use of an existing building offers regeneration benefits whilst preserving the borough’s greenfield sites (CS2 b-d).’*
- 5.2.4.2 *‘Residential amenity should be taken into consideration by evaluating the proposal against CS policy CS18 k) which requires that development must have an acceptable impact on the amenity of users and adjacent occupiers.’*
- 5.2.4.3 *‘Core Strategy policy CS20 expects development to demonstrate the provision of opportunities for charging electric vehicles where appropriate. Provided there are no overriding material considerations such as viability, a charging point should be secured by condition as required by policy CS20.’*
- 5.2.4.4 *‘Community Infrastructure Levy (CIL) - The applicant must provide evidence that the building has been in lawful use for a continuous 6 month period at any time over the last 3 years in order to qualify for a deduction of the existing floor space from the CIL liability. Should the property be liable, CIL would be charged at £50 per sq. m given its location within the Medium CIL charging zone.’*
- 5.2.4.5 *‘Concluding Comment: The site is a suitable location for housing in principle but consideration should be given to policy CS18 and the Residential Design SPD in determining the suitability of the application.’*
- 5.2.5 The application site is located approximately 350m from the defined sub-regional Chesterfield Town Centre. The site has no formal allocation in the adopted local plan and the surrounding streetscene is mixed use in character. The site is therefore located within a reasonable walking distance from the defined sub-regional centre and

has access to a range of services, facilities, transport links, employment and public open space.

5.2.7 On the basis of the above comments the site is considered to be sustainably located. It is considered that the principle of an infill residential development in this location is acceptable and accords with the requirements of policies CS1 and CS2. Further consideration of policies CS18 and CS20 will be covered in the following sections.

5.3 **Design and Impact on Neighbouring and Future occupiers**

5.3.1 The following planning policies are considered relevant for the consideration of principle of the development; principles for location of proposal (CS2), design (CS18) and 'Successful Places' Supplementary Planning Document.

5.3.2 *Core Strategy Policy CS2 states that 'all developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts'.*

5.3.3 *Core Strategy Policy CS18 (Design) states that 'all development should identify, respond to and integrate with the character of the site and its surroundings and respect the local distinctiveness of its context' and development should have 'an acceptable impact on the amenity of users and neighbours.'*

5.3.4 *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.*

5.3.5 The proposed development will ensure an acceptable level of private amenity space for the existing dwelling (No 13) and a new dwelling. The 'Successful Places' SPD details the minimum size outdoor amenity space required for a new dwelling and requires a three bedroom house to have a minimum of 70m² of private amenity space.

5.3.6 It is considered that the existing plot could be divided to create a rear/side garden serving No 13 and the Coach House with adequate private amenity space. The relationship between No 13 and the

Coach House, although closely situated would not appear to result in any direct overlooking as there are no windows in the rear (east) elevation of No 13 closest to the Coach House.

- 5.3.7 Works to the Coach House for the conversion of the building were covered under previously approved application CHE/18/00512/FUL. Existing openings serving the Coach House will be largely retained and potential impacts on the amenity of the adjoining neighbours were considered as part of application CHE/18/00512/FUL and were deemed to be acceptable.
- 5.3.8 Environmental Health raised no objections to the proposal.
- 5.3.9 Overall, the proposal is considered to be acceptable in appearance with minimal alterations to the existing Coach House building and will create an acceptable amount of living accommodation for future occupiers (as approved under application CHE/18/00512/FUL). The proposal is considered to provide acceptable levels of private amenity space for future occupiers and accords with the provisions of the Successful Places Supplementary Planning Document.

5.4 **Highways Issues**

- 5.4.1 The following planning policies are considered relevant for the consideration of highway safety and parking provision (CS20).
- 5.4.2 Core Strategy policy CS20 expects '*development to demonstrate the provision of opportunities for charging electric vehicles where appropriate. Provided there are no overriding material considerations such as viability, a charging point should be secured by condition as required by policy CS20.*'
- 5.4.3 The adopted 'Successful Places' SPD (p62) details the recommended parking space sizes and appendix G of the Core Strategy (p146) details the recommended maximum number of off-street parking spaces per dwelling. The guidance indicates that for a two/three bedroom property 2 spaces per unit are desirable and a 4+ bedroom dwelling the guidance is 3 spaces. The recommended number of spaces is also required to take into account the availability of safe on-street parking and proximity to public transport.
- 5.4.4 DCC Highways Team were consulted on the proposal as the Local Highways Authority and they provided the following comments;

- 5.4.5 *‘The site is located at the rear of 13 Gladstone Road, a non-classified residential road in Chesterfield. The proposal will see the change of use of an existing ancillary coach house to a separate residential dwelling. There are no highway objections to the proposal in principle, subject to sufficient space being provided within the site for vehicles associated with both the existing and proposed to park and manoeuvre.’*
- 5.4.6 *‘With regard to the above, parking spaces 1 and 2, shown on the submitted drawing (ref JW 281018-A), are blocked by space 3, limiting their potential use. However subject to the existing integral garage spaces being appropriately sized (each space should measure a minimum of 3.0m x 6.0m) the off-street parking proposed is considered to be acceptable.’*
- 5.4.7 *‘Concerning access to the site, whilst the Highway Authority would prefer to see the existing vehicular access widened, in view of the proposed additional dwelling. In light of the existing dwellings location is it appreciated there is little scope to offer any meaningful improvement. Whilst not idea, it is considered unlikely that the above proposal will result in such detrimental harm to highway safety that an objection for this reason alone could be sustained.’*
- 5.4.8 *‘In view of the above, there are no highway objections to the above proposal subject to the following conditions being included in any consent granted.*
1. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residential vehicles. Each parking bay should measures 2.4m x 4.8m (3.0m x 6.0m in the case of garage spaces), with 0.5m being added is bounded by a wall, fence or hedge, with adequate space behind each space for manoeuvring. Laid out, surface and maintained through the life of the development free from any impediment to its designated use’
- 5.4.9 The application submission is supported by drawing reference JW 281018-A, detailing parking spaces for 4 vehicles with space for manoeuvring. The Coach House is also served by two existing internal garages, creating 6 spaces in total. It is acknowledged that car parking space 1 may have limited use due to its siting and nature of the tandem parking arrangements. It is necessary to note that the number of spaces detailed in appendix G of the Core Strategy is for a

recommended maximum. Taking into account the existing internal garage spaces the site can comfortably accommodate 4 park spaces with an additional space provided by tandem parking. It should also be noted that Gladstone Road is permit controlled so future occupiers would therefore be able to apply for the relevant permit to park on the public highway. Furthermore the site is sustainably located where lower parking levels can be accepted.

- 5.4.10 New dwellings are also required to provide electric charging points in accordance with policy CS20. It is recommended that a condition be attached to the decision requiring the provision of electric charging points as part of the development.

5.5 **Flood Risk & Drainage**

- 5.5.1 *Policy CS7 states ‘The council will require flood risk to be considered for all development commensurate with the scale and impact of the proposed development’*

- 5.5.2 The site is shown to be located in flood zone 1 according to the Environment Agency Flood Maps and is therefore considered to be at low risk of flooding. Any alterations or amendments to existing drainage on site may require Building Control approval and connections to the public sewerage system will require prior approval from Yorkshire Water.

5.6 **Coal Mining Legacy**

- 5.6.1 The site is identified within a Development Referral Area due to the potential presence of historic coal mining activity. The Coal Authority were consulted on the proposal, no comments were received. As the proposal is for a change of use of an existing building with no additional floorspace potential coal mining risk is considered to be minimal

5.7 **Community Infrastructure Levy (CIL)**

- 5.7.1 In April 2016 Chesterfield Borough Council adopted a Community Infrastructure Levy requiring all new residential development to pay a fixed contribution based on residential floor space. For reference the site is within the medium CIL charging zone which requires a charge of £50 per sqm (index linked), subject to any applications for exemptions. CIL would be required on any additional residential floor

space or space being brought back into use where there is no evidence that it has been used for a period of 6 months within the last 3 years. No additional floor space is proposed as part of the development.

6.0 **REPRESENTATIONS**

6.1 20 Gladstone Road

- No objections to the Coach House being renovated for ancillary living accommodation.
- The applicant is changing the goal posts from the previously approved application with a condition which restricted the occupation of the Coach House. Applicant previously confirmed the development would be occupied by friends and family with car park and a turning point for 5 cars.
- The greenhouse has been demolished.
- Once the coach house is completed then what is the next step? Will the main house be turned into four apartments?
- Ask that careful consideration is given when approving the change of use of the existing ancillary building and the conditions granted on previous planning application.
 1. Only to be occupied by persons with a familial link or demonstrate relationship to the occupants of the main dwelling
 2. Not be identified or addresses as a separate postal address
 3. Not be occupied in the event the main dwelling is unoccupied
 4. Not be occupied under any form of contract
- It is transparent that Mr Wreghitt was not happy with the above outcome as it did not fit in with his plans for the property.

6.2 16 Gladstone Road

Reference is made to condition 3 which refers to “the self-contained accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling on the application site, presently known as 13 Gladstone Road, in that it shall:

- Only be occupied by persons with familial link or demonstrable relationship to the occupants of the main dwelling;
- Not be identified or addressed as a separate postal address
- Not be occupied in the event the main dwelling is unoccupied; and
- Not be occupied under any form of contract.

We note that some of the conditions are carried forwards and some appear to be missing from the original application. There are conditions that appear to not be documented and we therefore seek confirmation of the full conditions being proposed, so we can fully review the latest proposals being made and then consider our views and decide as to whether an objection needs to be formally lodged and submitted as our record against the planning consent being sought. As it stands, we cannot see reference to all of the original conditions within the current application CHE/18/00745/FUL.

Within the previous application Mr Wreghitt did confirm that the accommodation would be utilised by relatives and friends in conjunction with the main house and the address of the coach house would also be the same as the main house. We would like clarification that this still remains the case please?

We would be grateful if you would consider the comments raised above and confirm that the previous conditions stated in CHE/18/00512/FUL remain in place and will be imposed on this and/or any future application associated with 13 Gladstone Road (main house and coach house). Can you also confirm whether this planning application is subject to committee approval or whether you personally have delegated authority, as awarded by the Council, to conclude and decide on whether or not to grant the application as set out in your recent letter so further action can be considered by us and other residents on Gladstone Road.

6.3 *Case Officer comments – the neighbour concerns relate primarily to the accommodation being separated from the main dwelling house. It is clear that this application seeks a separation such that the Coach House would become a separate residential unit from 13 Gladstone Road with a private garden and shared access drive. The planning issues in connection with the proposal are detailed and considered in the report above. It is also understood the applicant intends to renovate the main building as a single family dwelling.*

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 is likely to affect their amenities, 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 paragraph 38 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 copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 **CONCLUSION**

9.1 Overall the proposal is considered to be acceptable in design and appearance terms. The proposed dwelling is considered to be in keeping with the character of the surrounding area. The location of the proposed development site is relatively sustainable, sited within a residential area with easy access to local services. It is not considered that that the proposal would result in significant impact on the residential amenity of the neighbouring properties. The proposal would not compromise parking arrangements or highway safety. Therefore, the proposal is considered to accord with policy CS1, CS2, CS7, CS8 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework. This application would be liable for payment of the Community Infrastructure Levy

10.0 **RECOMMENDATION**

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

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 (listed below) with the exception on any approved non material amendment

- Amended site location plan, drawing reference JW 281018-A
- Site location plan
- Notes to planning application for 13 Gladstone Road, Chesterfield, Derbyshire, S40 4TE

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. An Electric Vehicle Charging Point shall be installed as part of the build phase and which shall be retained available for use for the life of the development.

Reason - In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.

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. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
03. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. 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 a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority