

Case Officer: E Casper
Report Date: 25th February 2019

Application No: CHE/18/00772/FUL
Committee Date: 11th March 2019

ITEM 1

PROPOSED CHANGE OF USE TO COMMUNITY CAFÉ/PIZZERIA AND ALTERATIONS TO FRONT ELEVATIONS AT FORMER GARAGE AND PREMISES, NEW QUEEN STREET, CHESTERFIELD FOR MR C DE GIROLAMO

Local Plan: Unallocated
Ward: St Helens

1.0 CONSULTATIONS

DCC Highways	Comments– see report
DCC Public Health	Objection – see report
Forward Planning/Policy Team	Comments –see report
Environmental Health	Comments –see report
Design Services Drainage	No objections – see report
Yorkshire Water	No comments received
Ward Members	Comments received from Cllr Helen Bagley and Cllr Tom Murphy
Neighbours and Site Notice	Representations received from 22 residents, 17 letters of objections and 5 letter of support

2.0 THE SITE

- 2.1 The site subject of this application is single storey building situated on the east side of New Queen Street. The footprint of the building measures approximately 19m in length and 11m in width. The structure is formed of a dual pitched roof with corrugated roof panels and the external elevations are faced in brick.

- 2.2 The principle (west) elevation of the building fronting onto New Queen Street, incorporates pedestrian access entrance and roller shutter 'garage' door. A small boiler room is located within the frontage situated below existing ground level and accessed by a set of steps. The frontage of the site is partially enclosed by a brick wall to the western and north western boundary.
- 2.3 The site is bound by residential dwellings directly to the north and west. The rear of the site is bound by an existing Council operated car park to the east. The southern boundary of the site adjoins the rear elevations of the existing retail/commercial units fronting onto Newbold Road highway.
- 2.4 A discrepancy has been identified between the submitted site location plan red line boundary and additional documents detailing the extent of the application site. The submitted information is considered to be contradictory and it is acknowledged that the red line boundary shown does not include the site forecourt or entrance to the building. This is considered to be an error by the applicant and the forecourt of the site and entrance are considered to be a key part of the site.
- 2.5 The application submission is supported by the following plans / documents:
- Site location plan (07.11.2018)
 - Site aerial photographs x 2 – detailing development building (07.11.2018)
 - Site photographs x 3 – detailing existing building elevations (07.11.2018)
 - Photograph of proposed front elevation (22.11.2019)
 - Background documents – Foreword (07.11.2018) Additional Notes (15.01.2019), Resident Objections (15.01.2019), Commercial Waste (15.01.2019), Interior Design and Evening (15.01.2019), Proposed Menu Ideas for New Queen Street (15.01.2019), Toilet floor plan
 - Proposed floor plan (16.01.2019)
 - Proposed gate for bin store (03.02.2019)

3.0 **APPLICATION SITE HISTORY**

- 3.1 CHE/1153/28 – to demolish existing garage and rebuild for S A Fisher Limited – **PERMISSION GRANTED (07.12.1953)**. The garage was used as a base for private hire vehicles until the late 1970s/1980s.
- 3.2 Allen and Sons subsequently occupied the site and used the premises for light haulage and storage (B8 use) until the late 1990s. Since that date various redevelopment opportunities were discussed but no applications materialised. The file indicates that a retail use was discouraged as was a window manufacture use on the basis that the sites main context was one of residential properties. The premises was also the subject of complaints from neighbours regarding unauthorised use however it was concluded that the authorised use of the site was as a B8 storage and distribution use.

PRE-APPLICATION ADVICE

- 3.3 Pre application advice was sought by the Agent/Applicant and a summary of the main considerations raised by the Officer (23.08.2018) are listed below;
- Site is outside of defined local centre therefore a sequential approach is required in accordance with adopted local plan and national planning policy framework
 - Authorised use considered to be B8 storage and distribution and should be considered as the 'fall-back' position.
 - Other uses have been informally proposed and not considered to be appropriate, including as a retail unit and window frame manufacturer
 - Proposal requires consideration of health implications and location of site in relation to nearby schools, particular consideration is required in relation to the takeaway aspect and could potentially be mitigated by restricted opening hours.
 - Consideration of impacts on neighbours including parking
 - Notes proposal to work with local schools for pizza/pasta making lessons

4.0 **THE PROPOSAL**

- 4.1 The application proposes the change of use of the building to a café/pizzeria restaurant (A3 use). The proposed use will operate as a café during the day with wood fired pizzeria restaurant in the evenings. A 'takeaway' facility will be available, however it is suggested that this will be a small proportion of the total sales.
- 4.2 The Agent states that the café/restaurant function will be able to serve a maximum of 75 people (covers), with 5 full time employees and 5 part time employees. The submitted internal layout shows a bar to the rear of the unit, considered to be ancillary to the main restaurant use.
- 4.3 The submitted application forms state the proposed opening hours to be 9am to 11pm Monday to Friday, 9am to 11:30pm Saturday and 9am to 11pm on Sundays/Bank Holidays.
- 4.4 The application proposes some minor alterations to the principle elevation fronting onto New Queen Street, including the installation of two windows, enlarged public entrance and bi-fold doors in the place of the existing roller shutter door.
- 4.5 The Agent has suggested that four roof lights could be installed to provide additional light in the building, formal details showing the location and size/scale of the proposed roof lights have not been provided.

5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission 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
- CS4 Infrastructure Delivery
- CS8 Environmental Quality
- CS7 Flood Risk
- CS15 Vitality and Viability of Centres
- CS16 Retail
- CS18 Design
- CS20 Influencing the Demand for Travel

5.3 **Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF, February 2019)

5.4 **Key Issues**

- Principle of development (section 5.5);
- Design and appearance of the proposal (section 5.6);
- Impact on neighbouring residential amenity including noise, fumes and refuse facilities (section 5.7);
- Highways safety and parking provision (section 5.8)
- Flood risk and drainage (section 5.9);
- Health and well-being (section 5.10);
- Community Infrastructure Levy (section 5.11);

5.5 **Principle of Development**

5.5.1 The application site is situated in the built settlement of St Helens. The site is located outside of the defined Abercrombie Local Centre and is unallocated in the adopted local plan. The surrounding streetscene is mixed in character incorporating commercial premises to the south/south east and residential dwellings to the north and west.

5.5.2 Having regard to the nature of the application policies CS1, CS2, CS3, CS4, CS7, CS15, CS16, CS18, and CS20 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.

5.5.3 The Forward Planning/Planning Policy Team were consulted on the proposal and they provided the following comments;

5.5.4 ***'Principle of Development and Sequential Test***

The application site would be considered 'Edge of Centre' in relation to the Abercrombie Road Local Centre (identified on the policies map and in policy CS15), taking account of the scale of development (which is of a scale that would not be inappropriate in a local centre).

The NPPF (paragraph 86) and Core Strategy Policy CS16 therefore requires application of a sequential test to this planning application (as the site is not within the existing centre, the boundary for which is immediately adjacent to the site, and is not allocated in the Local Plan). It is for the applicant to demonstrate compliance with the sequential test, but it should be proportionate and appropriate for the given proposal.

The test requires the applicant to demonstrate that they have looked at sites within centres first, considering whether they are 'available' and 'suitable'. The first task is to determine the extent of the search for alternative premises. Given the small scale, and the character, of the proposed use it would be appropriate to limit the extent of the search to the Newbold District Centre. Potential properties should be identified from a range of evidence, including the council Sites and Premises Guide

(<https://www.chesterfield.gov.uk/media/814945/dec-18-feb-19-sites-and-premises-guide.pdf>).

The applicant should identify any available potential properties and assess whether they are suitable for the proposed use. The Strategic Planning Team will be able to support the applicant in undertaking the test (as required by the Planning Practice Guidance). I should note that satisfying the sequential test does not automatically mean that planning permission should be granted.

5.5.5 ***Other Matters***

Given the proximity of residential properties, particular attention should be paid to the impact of the proposed use on adjoining residents in accordance with policy CS8 ("The quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality") and CS18 (d), which states that "Development will be expected to...have an acceptable impact on

the amenity of users and Neighbours”. Conditions controlling the hours of operation may be appropriate if planning permission is granted.

The proposal does not appear to make any provision for car parking, the presumption being that customers will park on the street. Parking restrictions apply to New Queens Street. The application form indicates 5 FTE staff but does not reference how many customers might reasonably occupy the café at any one time, making it difficult to assess the potential impact.

It would also be helpful to clarify the proposed use class of the development. Cafes and restaurants are A3 uses, but hot food take-aways A4. This will have an impact upon the nature of the impact and may require the use of conditions to limit any potential take-away sales.

This is also important to understand as Derbyshire County Council’s Public Health Team advise that new Hot Food Takeaways should be limited with 500m of primary schools and would wish to be consulted on relevant applications under the protocol agreed with the borough Council. The proposed use is within 500m of both St Marys and Abercrombie primary schools and is seeking hours of operation that would include school hours. There is already a high proportion of hot food takeaways within the existing Local Centre and there would be concerns over the establishment of an additional one.

5.5.6 Community Infrastructure levy (CIL)

The proposed use would be liable for CIL at a rate of £80 per sqm gross internal floorspace (index linked to the date of any permission) if planning permission is granted. There is a potential exemption for CIL relating to the conversion of vacant floorspace where that floorspace has been in continual use for at least 6 months for an authorised use within the three years prior to the date of planning permission.

There is no information on the floorspace of the unit or how recently it has been in use contained within the application. It is recommended that the applicant complete the ‘Additional Information Requirements’ form from the Planning Portal.

https://ecab.planningportal.co.uk/uploads/1app/forms/cil_questions.pdf

5.5.7

Summary

The planning policy team conclude that:

- *Evidence for the sequential test should be submitted before a decision can be taken*
- *Information clarifying the proposed use and number of customers should be provided*
- *Completion of the CIL additional information form is recommended*

If planning permission is granted, conditions should be considered covering:

- *Hours of operation*
- *Installation of any relevant extraction equipment*
- *Limiting take-away sales*

Principle of development

5.5.8

Policy CS1 requires new development to be concentrated within walking/cycling distance of local centres. The site is situated adjacent to the defined Abercrombie Local Centre. The proposal therefore meets the requirements of policy CS1.

5.5.9

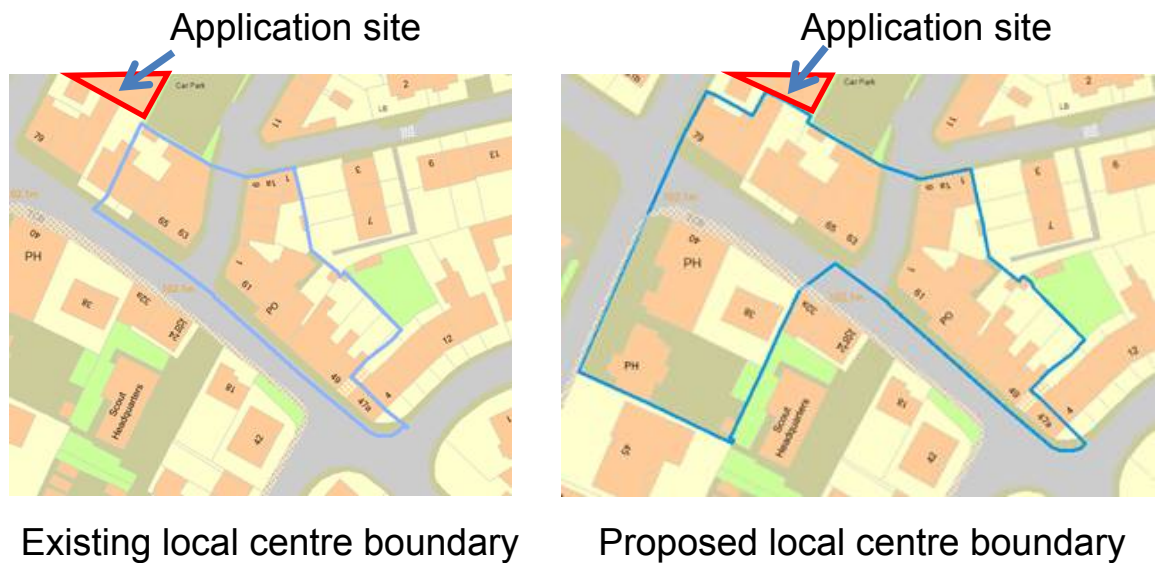
Policy CS2 requires the new development to accord with the principles of CS1 (a), are on previously development land that is not high environmental value (b), not on best and most versatile agricultural land (c) deliver regeneration benefits to area (d), maximise opportunities for walking/cycling (f) and meet sequential test requirements (g). The proposal is considered to meet the requirements of parts a to g of policy CS2.

5.5.10

Policy CS2 also requires all development 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 to be covered in sections 5.6, 5.7, 5.8, 5.9 and 5.10.

5.5.11

The application site is classified as an 'edge of centre' location situated outside the defined Abercrombie Local Centre (policy CS15). It is necessary to note that the current draft local plan proposes extending the existing local centre boundary (see images below) however the site subject of this application is not included within the proposed extension to the local centre.



Existing local centre boundary

Proposed local centre boundary

- 5.5.12 Policy CS15 focuses on the vitality and viability of centres and although the site is not located in the defined local centre it is considered reasonable to reflect on the other requirements of policy CS15. Policy CS15 aims to achieve a mix of uses which do not overwhelm the retail function of the centre, street or frontage where it is located by having a detrimental impact on vitality and viability (CS15 a). It is acknowledged that there are 5 existing hot food takeaways within the defined centre and a further 2 hot food takeaways and 2 public houses serving food within the vicinity of the site and outside the current local centre boundary. The application proposes the creation of a café/restaurant with ancillary takeaway element. The Agent provided an example menu detailing the proposed type of food on offer and on this basis it is considered that the proposal would provide a different food offer in the local area.
- 5.5.13 It is also necessary to acknowledge that the development will introduce an active use to a vacant unit which is currently in need of renovation, bringing employment benefits and revitalising the existing unit. Although not located in the defined centre, Policy CS15 highlights a need to tackle vacant, under-used and derelict buildings within centres (CS15 e).
- 5.5.14 Abercrombie Local Centre is classified as a small, local convenience shopping centre and policy CS15 states that each centre should maximise opportunities for enhancements as they arise to ensure continued vitality. Policy CS15 continues to say that the Council will support local centres in providing shops and local

services in safe, accessible and sustainable locations and also states that new development should make a positive contribution to the centre's viability and vitality and be of an appropriate scale. The application proposes a retail use outside of the defined centre with up to 75 covers and 5 full time staff. A number of positive benefits arise from the scheme the proposal is considered to be an over intensive use of the site at a scale which exceeds capacity of the surrounding infrastructure particularly in relation to on-street parking (see section 5.8).

5.5.15 In accordance with the requirements of Policy CS16 and paragraph 86 of the NPPF a sequential approach necessary, the applicant was required to submit a sequential test (dated on 19.01.2019). The Planning Policy team reviewed the submitted sequential test and consider the assumptions made to be acceptable and sequential test requirements met in relation to this application.

5.5.16 It is accepted the proposal will renovate and revitalise an existing unused unit, bringing employment benefits to the area. On balance, due to the scale of the proposal the development is considered to be an over intensive use of the site which would result in potential adverse impact on the surrounding infrastructure particularly in relation to on-street parking. Potential conflicts with policies CS2 and CS18 regarding impacts on neighbours, residential amenity, parking and public health implications arising from the proposal will be considered in the following sections.

5.6 Design and Appearance of the Proposal

5.6.1 Policy CS18 of the Core Strategy states that development should identify, respond to and integrate with the character of the site and surrounding and respect the local distinctiveness of its context.

5.6.2 The application proposes relatively minor external alterations to the principle (west) elevation fronting onto New Queen Street. The proposal includes the removal of the existing roller shutter door and the installation of replacement bi-fold doors, the installation of a larger central access door and a replacement window. A high level decorative circular window is proposed above the main entrance.

- 5.6.3 On the 03.02.2019 the Agent submitted an additional plan showing the installation of an external gate in the existing brick wall to provide direct access to the boiler room which would function as a refuse store. The gate is shown to be 1700mm high and 700mm in width. The gate width is considered to be acceptable for a standard width wheelie bin. The existing brick wall is a distinctive feature in the streetscene and the Local Planning Authority would not wish to lose this as a feature.
- 5.6.4 The application proposed the installation of roof lights to provide additional sources of light, no formal drawing have been submitted by the Agent showing the potential scale, number and location of the roof lights. Should planning permission be granted further clarification of this would be required by condition to ensure the roof lights would not adversely impact the adjoining residential properties.
- 5.6.5 Having consideration for the observations above the proposal is considered to be acceptable in overall design and appearance and would not cause adverse impacts on the visual amenity and character of the area. Subject to a condition requiring the submission of additional information regarding proposed roof lights, the proposal will therefore accord with the design provisions of policy CS18 of the Core Strategy.

5.7 Impact on Neighbouring Residential Amenity including Noise, Extraction and Refuse facilities

- 5.7.1 Core Strategy Policy CS18 (Design) requires development to have an acceptable impact on the amenity of users and neighbours and Core Strategy policy CS2 (Principles for Location of Development) requires the consideration of noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts. Core Strategy Policy CS8 (Environmental Quality) requires the protection and enhancement of environmental quality.

Noise and Extraction/Odour

- 5.7.2 In respect of noise and air quality/extraction the Council's **Environmental Health Officer (EHO)** was consulted on the application and provided the following comments summarised below.

EHO comments regarding noise;

- 5.7.3 *'The thought of roof lights for light and ventilation give me concern particularly as the site is bound by residential properties. I can only imagine that any heat and noise would escape via the roof lights and cause an issue for neighbours - More clarification on the term 'roof lights' would be needed.'*
- 5.7.4 The Agent confirmed that the unit would need to be insulated with 'double skin insulation' to retain heat and highlighted 'The Neptune Beer Emporium' Public House on St Helens Street as an example of a venue with live bands situated between residential dwellings.
- 5.7.5 The application proposes serving a maximum of 75 customers at one time and opening hours extend from 9am to 11pm during the week and until 11.30pm on a Saturday and 11pm on a Sunday. It is considered that the scale and intensity of use of premises may result in adverse impacts on the amenity of the adjoining occupiers, particularly if roof lights are installed and opened for ventilation. The proposed insulation may limit noise disturbance however the siting and size of the windows will be crucial. As detailed in section 5.6, if permission is granted a condition would be required requesting further details of proposed insulation measures for the roof of the building including any roof lights and also requesting further details of the size/location of the roof lights to safeguard against noise transmission and to prevent adverse impacts on the adjoining residential dwellings (particularly No 1 New Queen Street situated directly to the north of the site).
- EHO comments regarding extraction/air quality;**
- 5.7.6 *'My concerns remain as in my previous email. The property is single storey, the properties surrounding are 2 storey – any extraction equipment would need to be higher than the highest roof ridge (to ensure correct dispersal of gases and fumes) and I'm not sure what your thoughts would be around this in terms of the aesthetics of the flue being significantly higher than the single storey property.'*
- 5.7.7 *'The applicant hasn't provided enough information for me to make an informed decision. The photo shown below I think shows a pizza place at Kelham Island in Sheffield – this is not near any residential accommodation.'*

- 5.7.8 *‘The applicant would need to provide details of the extraction equipment, location of equipment, sound output of equipment as well as information about noise and odour mitigation from the operation of a food business in a commercial area – this would include fugitive emissions as well as odours from any extraction flues.’*
- 5.7.9 The Agent provided some examples of similar existing ‘wood fired pizzeria’ establishments for the EHO. The principle elevation of the unit is served by an existing chimney faced in brick, it is considered that a similar style of chimney could be installed to the rear of the building to serve the pizza oven. The site is marginally elevated in relation to the residential dwellings to the north and as such it is not considered that a chimney in this location would be unduly prominent. If approved it is considered that this could be dealt with by condition requiring the submission of details as requested by the Environmental Health Officer in paragraph 5.7.9 above.
- Storage of Waste/Refuse**
- 5.7.10 The application site has limited outside space and therefore it is considered necessary to discuss the proposed arrangements for storage of waste/refuse to prevent large numbers of bins being stored on the frontage which may have a negative impact on the streetscene. The Agent provided information to state that development will utilise standard size (240 litre) wheelie bins as opposed to large commercial waste bins which can be dealt with via a private refuse contractor.
- 5.7.11 The application proposes converting the existing boiler room to a bin store and the installation of a gate in the external boundary wall fronting onto New Queen Street. This is considered to be a acceptable solution and will prevent bins being stored on the site frontage. As this application proposes a new use it is considered reasonable for the Local Planning Authority to consider the impacts this may have and if approved to control this by condition.
- 5.7.12 Having consideration for the observations above and subject to conditions requiring the submission of further details for formal approval from the Local Planning Authority, the proposal is considered to accord with the provisions of policies CS2, CS8 and CS18 of the Core Strategy.

5.8 Highways Safety and Parking Provision

- 5.8.1 The Local Highways Authority Derbyshire County Council (DCC) Highways Team were consulted on the proposal and they provide the following comments; *'It is noted that there is no off-street parking associated with the premises and reference is made to on-street parking. The applicant should be aware that this area is a residents parking zone with the exception of a few spaces towards the top of New Queen Street near the junction with Newbold Road where general parking can take place subject to a two hour time restriction. Opportunities for parking are, therefore, extremely limited. The presence of the car park to the rear of the premises accessed off St Helens Street is noted although it is believed this is heavily utilised and there is no direct access to the premises the subject of the application.'*
- 5.8.2 *'Reference is made to working with local schools to teach children about wood fired pizza and bread making. There is no indication, however, as to how it would be expected the children arrive at the premises. It is envisaged that arriving by vehicle without a safe place to drop off and pick up would be against the best interest of the safety of the children and that this aspect of the proposal should be removed.'*
- 5.8.3 *'Whilst not considered an ideal location, subject to the above, in the view of the parking restrictions in the immediate vicinity it is not considered that for the community café and wood fired pizzeria a recommendation of refusal could be sustained. There are, therefore no objections to the proposal subject to the following condition being included in any consent.*
1. *Prior to occupation of the premises, the existing vehicular access to New Queen Street shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway in a manner to be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.'*

- 5.8.4 *'In addition the following notes shall be included for the benefit of the applicant.*
1. *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 steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness'*
 2. *Pursuant to Section 127 of the Highways Act 1990, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 127 Agreements may be obtained by contacting this Authority via email – highways.hub@derbyshire.go.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.'*
- 5.8.5 Notwithstanding the Highway Authorities comments above and their lack of a reason for refusal it is considered that there are highway issues which are likely to arise and which will be at odds with the safety of highway users. The Highway Authority are saying that the existing limitations over parking opportunities in the area (double yellows and resident only) will be appropriate to control parking arising from the development.
- 5.8.6 Policy CS2 requires that the development should have acceptable impacts on the amenity of adjoining occupiers taking account of matters such as traffic. Policy CS18 requires that all development is expected tog) provide adequate and safe vehicle access and parking. The 2019 NPPF promotes sustainable transport choices however it requires that safe and suitable access to the site should be achieved for all users.

- 5.8.7 It is accepted that not all customers or staff of the establishment will travel by vehicle and that customers travelling by car are likely to be multiple occupancy. It is accepted that the restaurant and takeaway component will also be used by local people who may well walk. However it is also the case that there will be frequent customer and staff trips to the site by car.
- 5.8.8 Analysis of the local area suggests that there are two opportunities to park a vehicle within what would be regarded as a reasonable proximity to the site. There are 6 spaces on the roadside at the New Queen Street junction with Newbold Road and there is a small car park on St Helens Street which backs onto the application site. Every other street within a reasonable walking proximity to the site is restricted to resident parking only (apart from limited opportunities on a Sunday). The small car park is regularly at capacity with little or no space, especially in the evening when local residents in the nearby terraced housing are home from work). The 6 streetside parking spaces are also the only other opportunity for parking associated with all the facilities within the local centre. Parking is at a premium.
- 5.8.9 The proposal is for a 75 cover restaurant with a takeaway opportunity. The hours of operation are wide but it is suggested that a restaurant use is most likely to be busiest in the evening and this is a time when most residents of the area are likely to be at home. Customers arriving by vehicle will expect to park close by, especially during inclement weather, and it is likely therefore that due to the limited opportunities available this will lead to indiscriminate parking including parking on double yellows or contrary to the resident parking restrictions. This is even more likely in connection with short term parking associated with a takeaway component of the use. Such parking will be likely to be at odds with highway users safety and be contrary to the amenity of the nearby local residents and which cannot be mitigated in a reasonable way by any planning condition. It is considered therefore that the scale of the proposal is such that there will be parking problems contrary to policies CS2 and CS18 of the Core Strategy.

5.9 Flood Risk / Drainage

- 5.9.1 Core Strategy Policy CS7 (Managing the Water Cycle) requires flood risk to be considered for all development commensurate with the scale and impact of the proposed development and all development should include sustainable drainage systems unless it can be demonstrated that it is not appropriate.
- 5.9.2 The Design Services (Drainage) Team and Yorkshire Water were consulted on the proposal. No comments were received from Yorkshire Water.
- 5.9.3 Design Services (Drainage) provided the following comments; *'Regarding this application: the site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps. Any amendments to existing drainage on site may require approval from Building Control. Any connections to the public sewerage system will require prior consent from Yorkshire Water.'*
- 5.9.4 The application site is located in Flood Zone 1 and is therefore considered to be at low risk of flooding. The Design Services Team highlight that any amendments to existing drainage may require approval from Building Control and connections to public sewerage will require prior consent from Yorkshire Water. Due to the constraints of the site and existing footprint of the building it is not considered that the site can accommodate sustainable drainage system. Overall the proposal accords with the requirements of policy CS7.

5.10 Health and Well-being

- 5.10.1 In respect of health and well-being the **County Council's Director of Public Health** was consulted on the application and they provided the following comments summarised below.
- 5.10.2 *'England has one of the highest rates of unhealthy weight in the western world. The prevalence of obesity has more than doubled in the last 25 years, and if we go on as we are, the number of obese people is expected to double in the next 40 years. Obesity is a complex problem that requires actions from individuals and society across multiple sectors. Derbyshire County Council has produced guidance with Chesterfield Borough Council on determining Hot Food Takeaways. This forms part of a multi-agency approach to*

tackle obesity across Derbyshire. Derbyshire County Council Public Health Department would like to raise the following objections to the planning application. Further information relating to the objections can be found in the guidance for Chesterfield Borough Council on determining Hot Food Takeaways.

Hot food take away mapping for proposal on New Queen Street, Chesterfield (S41 7ET) (See Appendix 1)

(1) There are two schools within 400m of the New Queen Street site: Abercrombie Community Primary School and St Mary's Catholic Primary School.

(2) The proportion of year 6 children that measured and classified as obese for the ward of this proposal (St Helen's) was 19.6%. The Derbyshire average is 17.6%. Evidence suggests that the trend for of increasing overweight and obesity will continue into adulthood.

(3) Excess weight in adults in Chesterfield is 65.6%. The England average is 61.3%.

(4) Chesterfield has both the highest count (123) and rate (117.9 per 100,000 population) of fast food outlets of all Local Authorities across Derbyshire.

(5) Within 400m of the premises there are six restaurants, four hot food takeaway (2 within 100m), and 1 fish and chip shop.

- This data is based on information supplied from Chesterfield Borough Council in 2017 and may have changed.

For information I have also attached a copy of the map used to analyse proximity of schools, existing takeaways, restaurants and cafes, and fish and chip shops within a 400 metre buffer zone of the proposed location.'

- 5.10.3 The above comments have been noted. It is accepted that the information provided and included in appendix 3 is inaccurate in that for example it omits the Diamond Chinese hot food takeaway at the junction of St Helens Street and Victoria Street. There are no specific planning policies which can be used to argue against this proposal on health and well-being grounds however it is accepted that the issue is of relevance. With this in mind it is considered that if the proposals were to be recommended for approval then the concerns surrounding the takeaway element of the proposal can be mitigated by a condition restricting the hours of operation of the takeaway component of the scheme.

5.11 CIL

- 5.11.1 All retail developments (use class A1- A5) containing at least 100 sqm of new build floorspace are liable to pay the Community Infrastructure Levy (CIL) see calculation below.

Development Type	Proposed Floor space (GIA in Sq.m)	A Net Area (GIA in Sq.m)	B CIL Rate	C Index permission	D Index charging schedule	E CIL Charge
Retail (A3)	162	162	£80	317	288	£14,265

Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of permission) (C)

BCIS Tender Price Index (at date of Charging Schedule) (D) = CIL Charge (E)

$$\frac{162 \times 80 \times 317}{288} = \text{£14,265}$$

6.0 REPRESENTATIONS

- 6.1 The application has been publicised by neighbour notification letters sent on 03.12.2018, deadline for 24.12.2018. A site notice was also displayed on 14.12.2018, deadline for responses 04.01.2019. As a result of the notification process 22 neighbour representations have been received comprising of 17 letters of objection and 5 letters of support. Comments have also been received from the two Local Councillors and the MP for Chesterfield.

Letter of objections listed below with main points summarized;

2 New Queen Street (dated 06.12.2018)

- New Queen Street is normally a quiet residential street, with the exception of some weekends when there is occasional noise from the pubs located at the top of the road.
- There is no parking provided by this business on the application. Parking is currently residential paid parking except for 4 spaces at top of the road which is used by people going to the opticians and local shops on Newbold Road. The parking spots are mainly used by the customer going to the opticians and parents taking /collecting from the local school during the day and at night by people going to the local chip shop and pubs.

- We already have problems with parking on the street with people parking over drive ways, on the double yellow lines and even parking where permits are required when they do not have permits.
- I do not see why we require yet another fast food establishment, with there being 3 Chinese takeaways, 1 Pizzeria, 1 chip shop, a sandwich shop, a café and a local Spar that also sells sandwiches, cakes, warm pies and other hot meals.
- Not only will the café/Pizzeria cause more parking problems, there will be more rubbish on the street, which blows onto residents front gardens, even dumped on the gardens or pushed into the hedges as people walk down the street.

4 New Queen Street (dated 09.12.2018)

- As a resident of New Queen St (no 4) I already have difficulty in finding a parking bay on the road. With no off street parking area with the proposed property the parking of vehicles using the cafe/pizzeria would increase this traffic problem considerably.
- New Queen St is a residential street and the disturbance on a continual basis from an eatery is unfair on people who live in the vicinity too.
- Within a one minute walk from the premises there are six establishments selling food and drink so adding to that number is saturating a very small area of Newbold.

14 New Queen Street (dated 11.11.2018, received 12.12.2018)

- Car parking on New Queen Street is under great pressure from people with who do not live on the street. I do not mind adults parking at the top of the street who are taking or collecting their children from school. There are just 5 parking spaces near Newbold Road mostly taken up by shoppers.
- Some people park outside my house with just a visitors parking ticket on the dashboard. They are not visiting me, they are taking up my resident parking spot which I have paid £48 for. People come from near by streets such as Dowdswell St, Madin St, Highfield Road, St Helen's Street & Princess Street. my wife and I are in our eighties and would like to park outside our house to unload shopping etc. the sooner this parking problem can be sort out it could be better for everyone.

- This is the last thing that people who live on the street want. I have been on Newbold Road and counted the number of food takeaway outlets there are 7 and we do not want any more. The 7 are as follows; Harrisons fish & chip shop (Newbold road), The Kitchen (Newbold road), Golden Lee (Newbold road), Chinese & Thai cuisine, Torino's Pizza (Newbold road), Diamond Chinese takeaway on St Helen's Street, SPAR Supermarket (Newbold Road) has a hot grill counter.
- In December 2007 I wrote to Mr Paul Holmes M.P Liberal Democrat FOR Chesterfield, regarding street parking & litter on the streets from food outlets.

39 New Queen Street (dated 16.12.2018)

- As a resident on New Queen Street, we already experience issues with accessing New Queen Street when it is busy as cars will park on both sides of the road and sometimes double park when visiting the shops and Chesterfield Arms on Newbold Road.
- We have several residents that have more than 2 vehicles and do not seem to have sufficient permits to park on New Queen Street and end up utilising the 2 hour free parking zone throughout the day. One of the houses on New Queen Street is being used by City Taxi and sometimes there can be up to 5 vehicles parked, 1 on their driveway while 4 vehicles will park on the road.
- We also have parents that are dropping off their children at surrounding schools using New Queen Street as a temporary car park and this is disruptive for those residents that have not gone to work prior to the school rush-hour either in the morning or in the afternoon.
- On a further note, Newbold Road already has Torino's Pizza which is about 100 yards from the proposed location of the new business.
- We also feel that it may bring more traffic down our road which is already being used as access to other estates and we do not want more disruption than we already are experiencing.

37 New Queen Street (dated 16.12.2018)

- a) The availability of parking space
- b) The business case
- c) The environmental implications
- d) The suitability of the building

- a) The availability of parking space - New queen street is almost exclusively residential – the expectation being this building. Since the imposition of the Zone C resident's parking permit scheme some years ago, the current parking provision is just about 'adequate' for residents and short term visitors. With only 6 'non-resident' (or 4 vehicles are not carefully parked) nearby and only another 5 such spaces within 200 yards, there would be great temptation to park in residents' spaces. In the evening when most residents are at home, the pressure on the few spaces would be even greater. The applicants claim that there is a car park at the rear, refer to the space on St Helens Street which is allocated to residents and customers of the Spar.
- b) the business case - With 7 other fast food outlets within 500 yards of the building , the viability of the business must be in questions. The applicants contention that there are no other restaurants close by ignores the Chesterfield Arms and Buckingham
- c) The environmental implications - The proposals indicate that wood fired ovens would be used. This would entail smoke extraction and filtering equipment with the associated noise. Litter – this is already an issue with discarded food and packaging from the plethora of outlets
- d) The suitability of the building - The roof of the building is composed of white asbestos sheet. This would have to be removed under Health & Safety regulations, causing further noise and inconvenience to residents.

5 New Queen Street (dated 13.12.2018)

- This street is fairly quiet and tidy and I worry regarding litter and vermin. Therefore I object to the proposal.
 1. Parking spaces on New Queen Street are already under great pressure. There are just X5 parking spaces for people using the shops on Newbold Road, these are mostly taken
 2. Parents coming in cars delivering and collecting infant children to the R.C. 'Little Scholars' nursery school across the road use this corner twice a day
 3. This new development would make parking on New Queen Street unsustainable
 4. New Queen Street is a residential street and the amount of disturbance on a continual basis is unfair to people living in the existing residences.

5. A development such as this near the top of the street at its junction of Newbold Road would make it into a very dangerous junction
6. There is already a takeaway Pizza shop 'Torino's Pizza' within 100 yards of this proposed development on Newbold Road
7. Considering these points I feel strongly that the planning application should be rejected

15 New Queen Street (17.12.2018) – Two letters received from same address

1. Parking spaces on New Queen Street are already under great pressure. There are just X5 parking spaces for people using the shops on Newbold Road, these are mostly taken
 2. Parents coming in cars delivering and collecting infant children to the R.C. 'Little Scholars' nursery school across the road use this corner twice a day
 3. This new development would make parking on New Queen Street unsustainable
 4. New Queen Street is a residential street and the amount of disturbance on a continual basis is unfair to people living in the existing residences.
 5. A development such as this near the top of the street at its junction of Newbold Road would make it into a very dangerous junction
 6. There is already a takeaway Pizza shop 'Torino's Pizza' within 100 yards of this proposed development on Newbold Road
 7. Also the premises concerned has an asbestos roof and it is quite unsuitable and dangerous to have food prepared and served in a building with an asbestos roof
 8. Considering these points I feel strongly that the planning application should be rejected
- I park my car on New Queen Street with a yellow residents parking permit, it is becoming very difficult to park on New Queen Street and I often have to park two streets away. To allow this development the resulting parking problem would be even worse. I am strongly against such a development.

Local Business Owner, address unknown (dated 18.12.2018)

- I do not think you should give permission for this application to go ahead. As you know yourself there is just 100 yards from my pizza shop and it will have a big impact on my business.

- Also the new Queen Street is a residential street and the amount of disturbance on continual basis is unfair to people living in the existing residences.

45 New Queen Street (dated 19.12.2018)

1. Parking spaces on New Queen Street are already under great pressure. There are just X5 parking spaces for people using the shops on Newbold Road, these are mostly taken
2. Parents coming in cars delivering and collecting infant children to the R.C. 'Little Scholars' nursery school across the road use this corner twice a day
3. This new development would make parking on New Queen Street unsustainable
4. New Queen Street is a residential street and the amount of disturbance on a continual basis is unfair to people living in the existing residences.
5. A development such as this near the top of the street at its junction of Newbold Road would make it into a very dangerous junction
6. There is already a takeaway Pizza shop 'Torino's Pizza' within 100 yards of this proposed development on Newbold Road

7 New Queen Street (dated 19.12.2018)

- Whilst I agree that the building is in a state of disrepair and brings no value to the street, I am afraid that the proposed development will disadvantage the street and the residents even further.
- Planning Application Form - On reviewing the application form there does not appear to be any information on the change to the class usage. In my experience this type of development would require a change of usage to **Class A3 - Restaurants and Cafes**. In this situation I would assume that full toilet provision would be required in accordance with the Miscellaneous Provisions Act
- Design Details In my experience the application does not give enough detail in terms of what is being proposed for the Café/Pizzeria. Working in Store Development, I know that when we as a business apply for planning permission we have to provide detailed of the proposed development. This generally must include:

- A set of detailed drawings of the proposed development which includes internal layout, elevations, number of proposed covers and toilet provision
 - Set trading times- current application states Bank holidays – possibly?
 - Details of air-conditioning/extract including size, location and odour assessments
 - Noise assessments if in proximity to residential accommodation
 - Drainage provision plans
 - Internal DDA provisions
 - Staff & customer parking provision (including, bicycle and DDA Spaces)
- Traffic & Parking - There are already a number of shops which provide food within the commercial area of Newbold Road – 1 café (with seating), 1 sandwich shop, a chip shop (opens lunchtime and evenings), a pizza/burger offer (opens at night), and 3 Chinese take-away restaurants. Putting aside the negative impact the proposed café would have on the existing established business, I do not feel that this small area can take on another food establishment without having a severe impact on the already difficult local traffic and parking situation.
 - The application refers to a small car park located on St Helens Street which accommodates 15 parking spaces but this is to support the existing 12 retail outlets in the commercial area. Invariably this is full throughout the day with short staying customers, the addition of longer dwell time clientele will make the car park untenable, and will affect the business opportunities of existing retailers.
 - There are currently 4 car parking spaces at the junction of Newbold Road & New Queen Street which are designated as short term parking for shoppers. The application makes no provision for the additional parking which will be required to support the Café/Pizzeria. The application states that there will be 10 staff positions created (5 full time and 5 part time). The current parking permit allowance for businesses in Zone C are [“Business permit: £70 per year \(limited to one per business within the zone\)”](#). Assuming there are a minimum of 2 staff members working at any given time there will be a negative impact on the overall parking in the area between 9:00am and 11:00pm on most days of the week, irrespective of the customer numbers.

- DDA Parking provision is not considered as part of the application, the Blue Badge parking which is available is mainly related to **resident permit** blue badge holders and I feel that this will become an issue if café customers are using them.
- Parking Permit Holders will be seriously disadvantaged by the introduction of another business to the area. Currently we pay £35 (1 car) or £85 (2 cars) for the privilege of parking outside our own homes. Initially when introduced this felt like an additional tax, but as time has progressed and the commercial properties on Newbold Road have become popular this had proved to be a useful solution to the parking chaos that we face at busy times.
- There are several pinch points currently on the street where the increased levels of traffic create a significant risk of increased accidents occurring. School drop-offs/pick-ups in the morning/evenings are particularly difficult. As this is for limited periods of the day, overall the residents are accommodating of this (even though the parents do not always pay respect to the Parking restrictions!) If this hazard was to be extended by parents visiting the café and dwell time was to increase, this would become a big issue and I am sure as residents we would have to question why we would continue to pay the permit fees going forward.
- As residents we pay for our permits to allow parking at our properties between 8am and 8pm Mon-Sat, post 6pm there are regularly cars without permits parked in the permit holder's bays. As there are 2 pubs at the top of the street, without adequate parking provision, there are often cars parked on the street belonging to the patrons of the pubs. This would only be exacerbated by the introduction of an additional night time venue.
- Currently the existing businesses in the commercial area, in the main do not open on Sundays or Bank Holidays, so have very little impact on the parking in the area. The application shows that Sunday and Bank Holiday trading is being considered. This will have a big impact on residents who generally are at home at these times and will want to park outside their own homes. As the parking restrictions do not apply on Sundays/Bank Holidays this will mean that customers will be able to park anywhere on the street impacting the residents.

- Environmental Concerns - The introduction of the café/Pizzeria would significantly impact on the ambiance of the street for the residents. There would be increased noise from the running of the business this would include increased traffic noise including delivery vehicles, extract/air conditioning systems, music when open and customers when entering and leaving the pizzeria at nights (to 11pm on week days and 11:30pm on Saturday night)
- I cannot see from the application how the increased odours from the business will be dealt with, and although the supporting letter on the system states that the applicant is “keen to keep this a small operation! – no fryers or messy extraction”, I would fail to see how a wood fired pizza oven or an artisan bread oven, could operate without some form of basic extract system.
- As there is no General Arrangement for the commercial kitchen section of the application it is difficult to understand how the café/pizzeria will operate. I assume that the café will require crockery and will provide lunchtime meal solutions in addition to the Bread Oven, Pizza Oven and Coffee machine stated on the application – I would assume there will be refrigeration and dishwashing/cleaning equipment to enable the café to operate. All of which will require some type of ventilation (to meet building regulations) to moderate the working environment. All of the above will create increased pressure on the utilities on the street. There will be increased pressure on the drainage system – will provision be made for a grease trap to ensure that drains further along the system are not compromised and where additional toilets may be required has this been considered by the CBC Drainage department?
- I understand, as a resident of New Queen Street that the unused Garage at the top of the road is not ideal, but the proposed changes will significantly impact of the quality of life of the residents and for the reasons above I strongly object to the Planning Permission/Change of use being granted in this case.

Resident of New Queen Street (dated 21.12.2018)

- Considering the number of food outlets on Newbold Road. I can not see the point of another one, not to mention the parking and congestion problem this may cause
- 32 New Queen Street (dated 21.12.2019)**

- **Inadequacy of Parking:** Car parking on New Queen Street is already under great pressure, especially in the evenings and at weekends when most residents are at home. Parking from staff and customers of the proposed Café/ Pizzeria, outside of the times of the enforced permit holder parking times, will further compound the problem and greatly inconvenience residents. There are currently 4 to 6 car parking spaces at the junction of New Queen Street and Newbold Road for temporary parking purposes and these are in constant use throughout the day. These spaces are also hotly contested at local school drop-off and pick-up times. Parking from staff and customers of the proposed Café/ Pizzeria, during the times of the enforced permit holder parking times, will further compound the problem. The Café / Pizzeria could apply for a business parking permit, but this would be limited to a single permit only. The application mentions the small car park behind the premises on St Helen's Street. This car park tends to be at full capacity throughout the day.
- **Traffic Generation:** Additional traffic, into New Queen Street, will be generated which will be above and beyond that currently being experienced.
- **Noise and Disturbance:** New Queen Street is a residential street. The application states that they plan to be open until 11pm on weekdays and until 11.30pm on a Saturday, hence there will be noise and disturbance resulting from use, especially for residents in the immediate vicinity of the premises.
- **Planning Application:** The planning application appears to be incomplete in many areas. For example: the applicant is unsure as to whether they are opening on Sundays and Bank Holidays, there is no mention of an extraction system which I assume would be required for the successful operation of a wood fired pizza oven / artisan bread oven

Local Resident, address unknown (dated 22.12.2019)

- Whilst I applaud the initiative to convert a run down building and bring jobs to the community this development will cause already stressful parking situations to become even worse. I have lived in this house since I was young (I am now 24) and have seen how the road has dealt with parking with no restrictions and how it has handled parking permits. There isn't really much difference in the demand and difficulty to park.

1. New Queen Street is a residential street that has already had to have permits put into place to help deal with the amount of non residential parking causing issues for residents.
 2. There are already a number of food outlets that put pressure on parking in the area - meaning the market for more food outlets is already saturated (Torinos Pizza, 3 Chinese Takeaways, 2 Sandwich shops/cafes, Spar, 1 x fish and chips, 2 x pubs).
 3. As you can see attached without this extra establishment parking in the evenings is already a struggle with there often being 0 or few spaces left. (These photos are taken on consecutive weekdays between 6 and 8 pm)
 4. People are already getting away with parking on the street simply by putting a 'working at no. 49 (for example) without being checked. There are also issues with people parking on double yellow lines frequently and I believe another establishment would make this even worse.
 5. Another food establishment will cause more litter and noise which could possibly cause distress to the older residents that live on the street.
 6. The demand for parking will mostly come in the evenings when we are not protected by permits - even though often these rules are broken anyway, it is a big worry how we will struggle to park
 7. The Spar customer car park was put in place to help with parking around the area but this also does not work, there are often issues with customers parking in permit bays without permits or on double yellows rather than using the designated car park, so it is hard to think how this would differ in this situation
- All in all the biggest issue here is that we already have severe parking issues on this street, even though we had permits put into place to help this. I do not, nor do I think anyone else, wants to be in a position to have to pay for the privilege of being able to park at least near their house in a residential area to then have this made even worse. This could also cause cars to over spill onto surrounding roads where parking is even harder to come by.

40 Newbold Road, Chesterfield Arms (dated 27.12.2018)

- Objects to the application on the basis of noise, residential amenity and traffic or highways
- Not enough parking for residents already

**Resident of New Queen Street, address unknown
(23.12.2018)**

1. There is already an abundance of such premises in the area, including 3 Chinese takeaways, a fish and chip shop, a pizzeria, 2 pubs and 2 cafes. This is a busy residential area and I fully understand the appeal to a small investor however, this will cause additional competition in an already busy area.
2. The street has residential parking for a reason; to reduce traffic congestion. I find it 'amazing' that the council can implement such a policy, adding additional cost to residents and then approve such a request despite the inevitable increase in traffic. This is not logical and as such, if this planned development is to continue, I presume we shall have the need to pay for a permit removed? I look forward to your response. Given that this is a residential area and there are several local schools how it is sensible to increase traffic in the area any further?
3. There are too many of these eaterys as it is, the smell of fatty food is already highly prevelant to local residents and this will only make things worse.
4. I already have environmental concerns as waste food matter attracts vermin whether that be rats or birds, I am not sure that another takeaway is the solution.
5. In order to make sufficient profit to pay for things such as local commercial rates, the business will have to be busy. That means late night opening given the products being sold and the issues that that brings with it (just in case I need to make that clearer....drunk people eat pizza late at night; drunken people are not known for quiet discussion and considerate behaviour). This new place will not accept any responsibility for disruption and damage to the local area and as such I fail to see why residents should be expected to tolerate this for no benefit.
6. Given the councils ineptitude when considering planning approval (case in point...the Premier Inn at the old department store; closed because of the councils approval of a Debenhams which took all the business leading to the inevitable closure. I also have to ask, what on earth do we need a huge Premier Inn for?) I understand how we have got to this point. The logic of such a decision defeats me meaning that the only logical

reason for this approval is financial and I would ask those members of the planning department what they would say if such a place opened on their street, in addition to already high number of unhealthy eateries within 50 square meters.

Address unknown (23.12.2018)

- Newbold Road already has numerous food outlets on the main road and allowing this premises is unnecessary and not required and will saturate the area with food outlets as there is already a Pizza shop, Cafe, Fish and Chips shop, Pub etc.
- There is no allocated parking for this premises and only 5 parking spaces in Newbold Road making parking an issue.
- This junction of New Queen Street and Newbold Road is a dangerous junction and having additional traffic will increase the risk of accidents
- New Queen street is a residential street, and a commercial food outlet would not be suited to this location.
- New Queen Street is a residential parking permit street which is already being abused by parents and guardians that do not take account of the permit scheme when visiting the nursery nearby. So I am concerned the visitors to the café will also ignore the parking restrictions. As I pay for a permit the Council should ensure the scheme is enforced.
- Allowing a food premise will increase the amount of waste including food waste and there is an issue with rodents on New Street which I am sure is exacerbated by the food premises from the odour and waste generated.
- Having a cafe and pizzeria will increase refuse/waste from the premises encouraging and providing harbourage for pests.
- The premises will require mechanical ventilation in order to comply with the necessary regulations for food hygiene and environmental. I am concerned the premises will create a nuisance from visual and odour as it will be so close to residential properties.
- In addition, I am concerned the premises will operate late hours and not only then but generally increase the levels of noise and create a nuisance and a general disturbance to a residential area. A pizzeria may attract individuals that may increase the risk of anti-social behaviour.
- The change to the frontage may create a light nuisance if allowed to use electrical lighting.

Letter of support listed below with main points summarized;

6 New Queen Street (dated 15.12.2018)

- Made comments in support of Planning Application due to residential amenity
- Parking can be an issue but the garage is a total eyesore and this would be a vast improvement

Newbold Resident - Address unknown (19.01.2019)

- I'm pleased to hear that the unsightly old garage on New Queens St may be getting a new lease of life and opening as a community cafe. With the continuous demise of communities it great that someone's is willing to invest in such a project.
- A place where residents can meet and rebuild the community, relationships and the neighbourhood. Fantastic idea and we can't wait for it to open.

Former resident of Dowdeswell Street, current address unknown (07.02.2019)

- I lived on Dowdeswell Street for the first 25 years of my life. At the bottom of the street where it meets Madin Street. Recently the area as been made aware of the above application and there is several members of the community trying to prevent this from happening.
- I am the organiser of the Chesterfield Food & Drink Festival as well as others across the region including Matlock F&D and Bolsover F&D. So i am really passionate about food and also the offerings it brings to the community. Look at Chatsworth Rd and its plethora of independents that as helped the area to grow attracting extra revenue to the area.
- I personally think the addition of such a place at the top of New Queen Street would only bring something great to what is already a growing area, with Chesterfield Arms only across the road i am sure it will only generate more positive growth to the area.
- As members of the Chesterfield Champions as well as also being chair or the Chesterfield Food & Drink Committee (launching later this year) i can only feel that this is a great thing for the area despite what several of the residents think. My combination of feeling passionate about the area i grew up in

and the local revenue that areas can create through a thriving food and drink culture in Chesterfield, i just want to say that i thoroughly support the above application and would love to see it happen in the area i grew up.

3 Dowdeswell Street (08.02.2019)

- I'm in favour for the bistro on new queen as it would be a great asset to the community, definitely need something different instead of the usual takeaways I think a bistro would be a great asset to the community. Yes I'm in favour for it

Address unknown (28.11.2018)

- I support the conversion and re-use of this vacant building for use by the community.

Toby Perkins MP for Chesterfield (dated 20.12.2018)

- General queries regarding concerns raised by constituent and consultation requirements and whether the Local Planning Authority will be clarifying issues before consideration by Planning Committee
- I do think it is past time that the old garages were put to an alternative use, as they are an eyesore. However, I do share Ms Graney's concerns about the effect this could have on parking on New Queen Street.

Councillor Helen Bagley and Councillor Tom Murphy

- Contacted the Local Planning Authority to ask about the application and raise concerns highlighted to them by local residents
- Concerned about another food outlet in area and issues of litter and parking
- Asked to be informed of when the application will be considered by Planning Committee

Summary of main concerns raised;

- New Queen Street is a quiet residential street with the exception of this building, the proposal will result in disturbance and noise with late night openings and concern about anti-social behaviour – *Officer comments - see section 5.5 regarding the proposed scale/intensity of the development*
- Parking/traffic/congestion concerns – Parking is at a premium on New Queen Street and is largely residents only (requiring a parking permit). Existing residents have difficulty parking, with residents parking on New Queen Street from surrounding roads and issues with people using permit holder spaces to go to the shops/nursery/local centre. Residents cite examples of cars without permits parking after 6pm with few available spaces particularly in an evening. The proposal makes no provision for additional parking. There are 5/6 parking spaces at junction of New Queen Street and Newbold Road which are heavily used by people visiting shops and at school collection/drop off times. The car park on St Helen's Street to the east of the site is frequently full. Double parking making access difficult and increased traffic using New Queen Street, will impact the junction with Newbold Road making it dangerous. Existing business in commercial area do not open on Sundays or Bank Holidays have limited impact on parking at this time – *Officer comments - see section 5.8 of report regarding parking and highway safety issues*
- Business may apply for a parking permit which will further exacerbate parking problems – *Officer comments - if granted approval the business would be able to apply for 1 permit, as per the Derbyshire County Council parking scheme.*
- Proposal for another fast food establishment in an area with a number of existing premises, area saturated with takeaways and existing pizza establishment on Newbold Road which will impact surrounding businesses – *Officer comments - see section 5.5 of report, concerns surrounding business competition is classified as a non-material planning consideration and cannot be given weight in the determination of a planning application.*
- Proposal will result in rubbish/littering and vermin – *Officer comments - the Agent has considered where waste can be stored appropriately.*

- One house being used by a taxi firm with 5 vehicles parked – *Officer comments - no known enforcement complaints regarding this issue and no address provided.*
- Concern about smoke from wood fired ovens – *Officer comments - see section 5.7 of the report. If approved, further details would be required of the proposed equipment and extraction measures which would need to be approved by the Environmental Health Officer and Local Planning Authority.*
- Safety of building – roof thought to be asbestos and would need to be removed causing further noise/inconvenience – *Officer comments - the Agent states that the roof is not asbestos. If the roof is be asbestos and needs to be removed this would need to be undertaken by relevant licensed professionals in accordance with Health and Safety requirements, this is a non-material planning consideration and cannot be given weight in the determination of a planning application.*
- Details on planning application form and lack of information/drawings detailing proposed layout, elevations, toilet provision and proposed covers, opening times, details of air conditioning/extraction including size, location and odour mitigation measures, noise assessment, ventilation and visual impact of external equipment and DDA (Disability Discrimination Act 2005) compliance – *Officer comments –additional details have been provided by the Agent to support the application and to enable the Local Planning Authority to fully appreciate the nature and scale of the proposal. If granted approval additional information would be required by condition covering noise, insulation and extraction/ventilation which would need formal approval from the Local Planning Authority. Toilet provision and DDA compliance is covered by Building regulations and is therefore a non-material planning consideration.*
- No drainage provision plan, will result in increased pressures on drainage system, requiring a grease trap to prevent impacts on drainage system – *Officer comments – Design Services Drainage were consulted on the application and raised no concerns, the main issues raised would be covered by Building Regulations and would likely need approval from Yorkshire Water.*

- Scale of proposal – application proposes 5 full time and 4 part time staff – *Officer comments - see section 5.5 regarding the proposed scale/intensity of the development*
- Existing smells/odour for outlets, proposal will make this worse – *Officer comments - see section 5.7 of the report. If approved, further details would be required of the proposed equipment and extraction measures which would need to be approved by the Environmental Health Officer and Local Planning Authority.*
- Councils poor decision's/logic in decision making e.g. approving Debenhams which led to the closure of the old department store and why does Chesterfield need such a big Premier Inn – *Officer comments – each planning application is considered on its own merits, this is not considered relevant to this application.*
- Electrical Lighting on the frontage may create a light nuisance – *Officer comments – the submitted application form states there will be no change to existing arrangements.*

Summary of main supporting comments;

- Pleased to see an initiative to convert a 'run-down' building, bring a new lease of life to the site and alternative use. Proposal would be a vast improvement on garage 'eyesore' – *Officer comments – the reuse and conversion of a vacant building is generally viewed positively and encouraged*
- The proposal will generate jobs – *Officer comments – the development proposes 5 full time and 5 part time jobs and will therefore bring employment opportunities to the area.*
- Proposal will be an asset to the community and provide a place for the community to meet, bringing something different to the area instead of takeaways. Proposal will generate positive growth and revenue for local area – *Officer comments – the application proposes a different food offer in the area and proposes a development which can be visited by the community.*

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 applicant has the right to appeal a refusal of planning permission.

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 July 2018 National Planning Policy Framework (NPPF).

8.2 The proposed development conflicts with the principles of the NPPF and the relevant Development Plan policies for the reasons given in the report above.

8.3 The conflict with Development Plan policies has led the LPA to conclude the development does not fully meet the definitions of "sustainable development" having regard to local character and amenity and a presumption on the LPA to seek to approve the application is not considered to apply.

9.0 **CONCLUSION**

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, ‘applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’. In this context the application has been considered against all up to date development plan policies and the wider national planning policy framework as detailed in the report above. In this respect there are a number of fundamental concerns arising from the development proposals which have led the Local Planning Authority to conclude that the application should be refused for the following reasons:

10.0 **RECOMMENDATION**

- 10.1 Refuse for the following reason

1. 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.

Appendix 1

