

Item 6**CONVERSION OF FORMER HOTEL TO FORM 4 DWELLINGS (REVISED PLANS RECEIVED 26/06/2022) (DESCRIPTION OF DEVELOPMENT UPDATED 04/07/2022) AT 1 – 3 COBDEN ROAD, CHESTERFIELD, DERBYSHIRE, S40 4TD FOR MR P SOBTI.**

Local Plan: no allocation

Ward: Brockwell

Planning Committee Date: 30th August 2022**1.0 CONSULTATIONS**

Ward Members	No comments received.
Local Highway Authority	Comments received – see report
Strategic Planning	Comments received – see report
Environmental Health Officer	No objections - Conditions recommended for noise, lighting and air quality.
Urban Design Officer	Concerns expressed however resolved by amended plans – see report
CBC Design Services (Drainage)	site is not shown to be at risk of flooding – no objection.
Representations	1 representation received – see section 7 of the report.

2.0 THE SITE

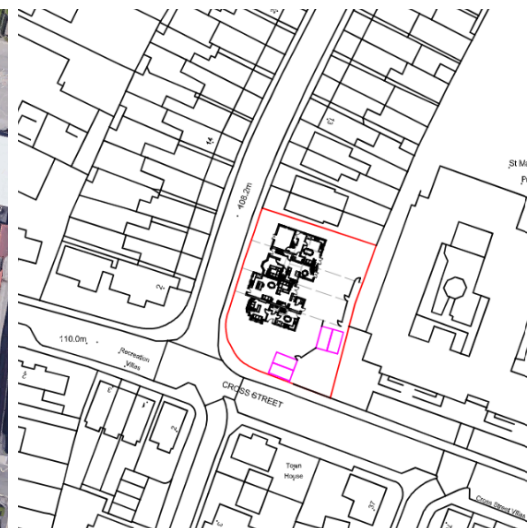
2.1 The site the subject of the application is situated at the junction of Cobden Road and Cross Street, approximately 225m from the boundary of Chesterfield Town Centre. The building was formerly

known as the Abbeydale Hotel but has since been converted into a single unit of residential accommodation.

- 2.2 The property was originally built for a residential use, which was subsequently converted into a hotel and finally converted back into residential accommodation, and sits across 2 storeys. It is finished in white render and has been subject to a number of alterations. The slate roof takes a dual pitched form with side gables, with a cross gable to the southern extent of the building which provides a small extent of second floor accommodation. There are stone lintels and sills to a number of the windows. The property has previously been subject to extension and alteration.
- 2.3 The property includes a rear parking area accessed from Cross Street which also provides external rear amenity space. There is garden space to the front of the property facing onto Cobden Road. There is an additional access to the north of the property between the application site and no. 5 Cobden Road. The proposed scheme would utilise the existing vehicular access.
- 2.4 The application site rectangular in shape covering a total area of 0.954ha (954sqm). The building is positioned relatively close to Cobden Road with a minimum setback of 2.7m.
- 2.5 Cobden Road and the surrounding area is predominantly a residential area characterised by 2 storey Victorian properties with a mix of terraced and semi detached. To the south of the application site sits the recently completed development on the former Chesterfield football club site. Immediately to the east of the application site is St Mary's Catholic Primary school.



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Site Location Plan ©



Site photographs:

Rear of building looking north west ©

Front of building, looking north east ©

3.0 SITE HISTORY

3.1 CHE/0687/0341/FUL – Change of use to private dwelling and guest house

CONDITIONAL PERMISSION: 19/08/1987

3.2 CHE/04/00694/FUL – Extension to ground floor bedroom at rear

CONDITIONAL PERMISSION: 27/09/2004

3.3 CHE/05/00332/FUL – Extension to dining room

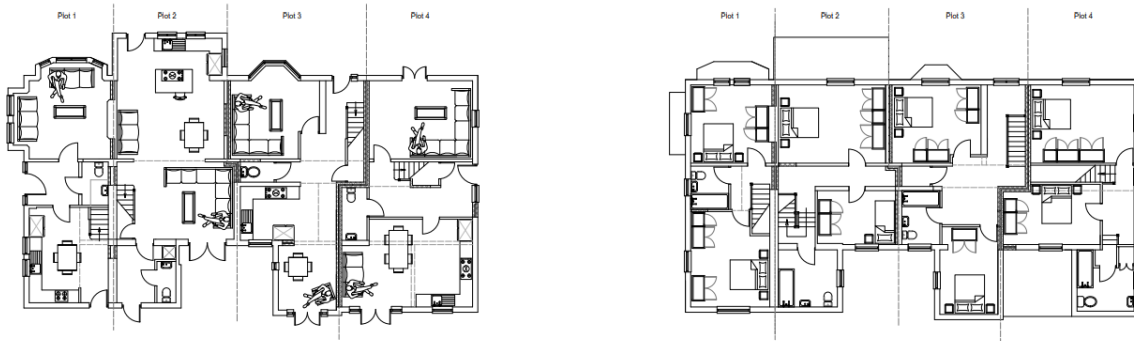
CONDITIONAL PERMISSION: 20/06/2005

3.4 CHE/17/00674/RET – Retrospective consent for installation of French doors instead of window in one of the bedrooms, single opening door instead of window in smaller kitchen, removal of existing fence and replacement with 5ft fence and gate added (extension of fence) to close bin area - the entrance to car park had small brick L-shape fence- the small part inside car park was removed.

CONDITIONAL PERMISSION: 23/11/2017

4.0 THE PROPOSAL

- 4.1 The application seeks planning permission for the conversion of the former hotel into 4 x 2-bedroom residential dwellings. Each of the dwellings would be served by a kitchen/dining room, living room and downstairs WC at ground floor level and 2no. bedrooms and family bathroom at first floor level.



Proposed ground floor and first floor plans ©

- 4.2 The conversion necessitates a re-arrangement of some of the window and door openings as follows:
- To the front (west) elevation: replacement of existing ground floor window to unit 3 and replacement with front door, installation of first floor window to unit 3 with lintel above to match existing, replacement of 1 no. ground floor window within unit 2 with 2 no. windows and front door.
 - To the north elevation: replacement of existing access door and window with front door to unit 4.
 - To rear (east) elevation: installation of rear access door to unit 1, replacement of existing portico to unit 2 with patio doors, removal of first floor window to unit 3, replacement of ground floor window to unit 3 with patio doors, replacement of ground floor window to unit 4 with rear patio doors.
 - To south elevation: replacement of first floor window with smaller window to upstairs hallway to unit 1.
- 4.3 The accommodation will provide the following (approximate) GIA to each dwelling:
- Unit 1: 82sqm
 - Unit 2: 106 sqm
 - Unit 3: 102sqm
 - Unit 4: 106sqm

- 4.4 The application form details that the window and door materials are to be upvc however it is unclear whether the materials referenced pertain to the original proposal for a detached dwelling in the rear garden area to the building.
- 4.5 Each of the dwellings would have access to exterior amenity space to the front/back (units 2 and 3) and to the front, back and sides (units 1 and 4). The proposal includes a small area of parking to the south west corner of the site which can be accessed by each of the units and there is on-street parking available via a residents parking scheme within the locality.
- 4.6 The proposal has been revised significantly as a result of discussion and negotiation with the applicant and their agent, following acknowledgement of the concerns raised by the case officer, in the main relating to overdevelopment of the site with respect of the proposed detached dwelling in the garden area and the lack of parking proposed. The revised proposal takes full account of the issues raised and the detached dwelling has been omitted from the scheme and a parking area to the south of the rear garden area introduced.

5.0 PLANNING POLICY

- 5.1 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 Chesterfield Borough Local Plan 2018 – 2035.

5.4 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the demand for travel

5.5 National Planning Policy Framework 2021

- Part 2. Achieving sustainable development
- Part 4. Decision-making
- Part 8. Promoting healthy and safe communities
- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment

5.6 Supplementary Planning Documents

- 'Successful Places' Residential Design Guide

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 The principle of development should primarily be assessed through Policies CLP1 and CLP2 of the Chesterfield Local Plan. Within the considerations of those policies is that new development should be directed to areas within walking distance of a range of key services.

6.1.2 The application site is within a residential area and close to the boundary of Chesterfield Town Centre which provides a wide range of key services and access to public transport infrastructure. The site is within the recommended walking distances to schools, food stores and the town centre as established within the Successful Places Residential Design Guide SPD. The application site also falls within the built up area defined by Policy CLP3 of the Chesterfield Local Plan.

6.1.3 It is not considered that there are wider regeneration or sustainability benefits arising from the scheme but the proposal utilises existing development space, preserves land of environmental and agricultural value and meets the requirements with regards to proximity to services, the quality of walking routes and proximity of bus services.

6.1.4 On this basis, it is considered that the proposal accords with the Council's spatial strategy and the principle of development is therefore accepted.

6.2 Design, Appearance and Amenity

- 6.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.
- 6.2.2 Initially the Councils Urban Design Officer expressed concerns regarding the scheme and inclusion of a new build dwelling on the frontage however amendments were made to remove the new build dwelling from the scheme to overcome the concerns. The new build unit created a number of issues relating to the amenity of the adjacent plots (1-4) and the character and appearance of Cross Street. The omission of Plot 5 resolves these matters and as such the Urban Design Officer raises no objection to the conversion of the former hotel itself to 4 dwellings.
- 6.2.3 The Urban Design Officer has however commented that the revised layout does not indicate provision for any off-street parking. Four parking spaces could potentially be located on the SE corner of the site, where the existing entrance to the site is currently located on Cross Street. This would still allow for adequate garden space for Plot 1. Given the demand for on-street parking in the vicinity the inclusion of some off-street spaces would be recommended. This is considered in the highways section below.
- 6.2.4 The proposed conversion of the existing building is considered to be acceptable in terms of its design and appearance. The proposal includes small-scale alterations to the exterior of the building to accommodate new and replace existing window and door openings to suit the proposed internal layout of the proposed dwellings, which is considered to be acceptable.
- 6.2.5 The surrounding area is characterised by residential properties set across 2 storeys and the proposed conversion of the building to dwellings is supported in terms of the wider character of the area. The conversion is not considered to be harmful to the character of the site or to the wider locality. The conversion will necessitate an aesthetic uplift to the exterior of the building which would be of benefit would serve to enhance the character of the site.
- 6.2.6 The proposed materials for the exterior of the building and to the new / replacement windows and doors are unclear within the application material and it is therefore considered appropriate to

impose a condition which requires the applicant to provide further information.

- 6.2.7 Policy CLP14 requires all development to have appropriate regard to the amenity of occupiers and surrounding residents. In respect of proposed amenity, as noted above each of the dwellings satisfies the floorspace guidance contained within the Nationally Described Space Standards for 2 bedroom accommodation. Each of the habitable rooms contains window openings to provide natural light and the proposed dwellings are dual aspect.
- 6.2.8 Each of the dwellings will have external amenity space which satisfies the recommended minimum areas as set out within the Successful Places Residential Design Guide SPD.
- 6.2.9 With regards to neighbouring amenity, it is not considered that the proposed conversion of the building will have any significant additional impact on the amenity of surrounding residents than the current use of the building. It is accepted that the conversion represents an intensified use of the building through conversion to 4 dwellings, however the density of development is considered to be acceptable within an edge of town centre context and is not considered to be unacceptable when taking into account the density of surrounding dwellings.
- 6.2.10 The windows to the north elevation of the building may result in an element of overlooking to no. 5 Cobden Road. The applicant's agent has confirmed that windows at first floor level can be obscured to minimise this risk and it is considered appropriate to secure this by condition. The proposal is therefore considered acceptable from an amenity perspective.
- 6.2.11 Overall the proposed development is considered to be appropriately designed to respond to the provisions of policies CLP14 and CLP20 of the Local Plan, NPPF and the wider SPD with regards to residential design and amenity.

6.3 Highways Safety

- 6.3.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety. The Local Highway Authority has raised no objections. In their response to the initial proposal the LHA accepted the principle of no parking being provided for the conversion element of the scheme.

- 6.3.2 However, a representation has been submitted which raises concerns regarding parking levels and a site visit has demonstrated that whilst on-street parking is available, the inclusion of parking provision within the scheme would be of benefit to both future occupiers and to surrounding residents.
- 6.3.3 On this basis, the applicant has revised the scheme to include 4 no. parking spaces to the south west corner of the site with turning space provided, which would retain the access provided into the site from Cross Street. The LHA has confirmed that although this is not considered to be necessary, there are no objections.
- 6.3.4 The Strategic Planning Team and Environmental Health Officer have requested that the parking provision in accordance with Policy CLP22 of the Local Plan. It is recommended that a condition be imposed to require the installation of an Electric Vehicle Charge Point to a parking space to satisfy the relevant policy requirement.
- 6.3.4 The proposed parking area can be accessed via the rear gardens to each of the units via a 1.8m walkway which also provides the opportunity for refuse to be transported as necessary on refuse collection day.
- 6.3.7 The proposal is therefore considered to be acceptable under policy CLP20 and CLP22 of the Local Plan on this basis.

6.4 Biodiversity and Landscaping

- 6.4.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.
- 6.4.2 No information has been provided in respect of a proposed biodiversity enhancement at the site or to demonstrate a net gain in biodiversity. The proposal is a minor scheme and does not result in the loss of an existing species rich habitat area, rather converts an existing area of hardstanding into functional garden amenity space.

- 6.4.3 Nevertheless, some level of biodiversity net gain is necessary to accord with policy CLP16 of the Local Plan and the NPPF. It is therefore considered to be reasonable to impose a condition to secure a biodiversity net gain with explanatory details contained in a footnote to be addressed by the applicant.
- 6.4.3 The applicant's agent has confirmed that access to the front of the dwellings will be provided via existing and new gated path to the principal entrance doors in keeping with the existing, brick walling no greater than 0.75m above footpath level, however this is not shown on the revised drawings. In addition, the proposed parking area would benefit from landscaping and planting to soften the impact of parking within the site. It is therefore considered reasonable to impose a condition requiring a landscaping scheme and boundary treatment details to be submitted.
- 6.4.3 On this basis, and subject to compliance with conditions, the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

6.5 Water Efficiency and Drainage

- 6.5.1 Local Plan policy CLP13 requires all new residential developments to meet the optional Building Regulation water efficiency standard of 110 litres of water per occupier per day. It is therefore considered reasonable to impose a condition to satisfy the relevant policy requirements.
- 6.5.2 The Council's Drainage Team has requested that a condition be imposed to ensure that the site is developed with separate systems of surface water and foul drainage.

6.6 Developer Contributions

- 6.5.1 The site is situated within the Medium Community Infrastructure Levy (CIL) charging zone where residential development is subject to a charge of £50 per sqm (index linked).
- 6.5.2 As the building has been in previous use there is an opportunity to claim exemption from paying CIL if it can be shown that the building has been used for a period of 6 months during the last 3 years. It will be for the application to claim such an exemption by providing the necessary and appropriate evidence.

7.0 REPRESENTATIONS

- 7.1 The application was advertised for the standard required time period at both initial submission stage and upon receipt of revised plans. 1 representation has been received which raised concerns regarding the impact of no parking being provided within the site and the impact of the original proposal which included a detached dwelling to the south west corner of the site.
- 7.2 As noted above, the proposed detached dwelling has now been omitted from the scheme and an area of residents parking provided to the south west corner of the site, which is considered to overcome the concerns raised.

8.0 HUMAN RIGHTS ACT 1998

- 8.1 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
- 8.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.
- 9.2 The Local Planning Authority has during the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

10.0 CONCLUSION

10.1 Overall subject to conditions the proposal is considered to be acceptable in accordance with policies CLP1, CLP2, CLP14, CLP16, CLP20, CLP21 and CLP22 of the Local Plan.

11.0 RECOMMENDATION

11.1 That the planning permission be **GRANTED** subject to the following conditions:

11.2 Conditions

1. 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 Compulsory Purchase Act 2004

2. The development hereby permitted shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below):
 - Site location plan, proposed site layout, proposed elevations and proposed floor plans (same sheet), drawing no. 2, 1:1250, 1:500 and 1:100 @ A1
 - Proposed drainage layout, drawing no. 4, 1:200 @ A3

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.

3. Within 2 months of the development hereby permitted commencing, a scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development, shall be submitted to and approved in writing by the Local Planning Authority. The net measurable gain shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

Reason - In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 175 of the National Planning Policy Framework

4. Notwithstanding the submitted details, within 2 months of the development hereby permitted commencing, details for the treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a) a scaled plan showing trees and plants to be planted including species and planting density. The plan shall include indications of all existing trees, hedgerows and other vegetation on the land to be retained and detail measures for the protection of retained vegetation during the course of development, including details of ecologically beneficial landscaping to provide a biodiversity enhancement.
- b) proposed hardstanding surfacing materials and shall include elevational drawings of boundary treatments including materials, types of fencing/walling and treatment/colour.
- c) a schedule detailing sizes and numbers of all proposed trees/plants
- d) Sufficient specification to ensure successful establishment and survival of new planting.

Reason – In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with policy CLP16 of the Chesterfield Local Plan.

5. The landscaping provided shall be retained and maintained as follows:

- a) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner;
- b) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.
- c) Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.
- d) All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of

the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason - To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with policy CLP20 of the Chesterfield Local Plan.

6. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

Reason - In the interests of safeguarding the privacy and amenity of the occupiers of surrounding properties in accordance with policies CLP20 and CLP14 of the Chesterfield Local Plan

7. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason - In the interests of satisfactory and sustainable drainage in accordance with policy CLP13 of the Chesterfield Local Plan

8. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason – To protect the water environment and in accordance with Policy CLP13 of the Chesterfield Local Plan

9. Prior to installation of any external lighting scheme for the site, a detailed scheme shall be submitted to the Local Planning Authority for consideration. The lighting scheme agreed in writing shall be fully implemented in accordance with the approved scheme before the use commences and retained as such thereafter.

Reason – To ensure that the development does not appear as an unduly prominent feature in the area and in the interests of residential amenity in accordance with policy CLP14 of the Chesterfield Local Plan

10. An Electric Vehicle Charging Point (EVCPs) shall be provided for one of the parking spaces with passive provision to be made available

for the remainder of the site so that spaces are capable of being readily converted to EVCPs in the future. Thereafter the EVCP shall be retained and maintained operational for the lifetime of the development.

Reason – In the interests of reducing emissions in line with policy CLP22 of the Chesterfield Local Plan.

11. Prior to the development hereby permitted being occupied, space shall be provided within the application site in accordance with the approved application drawings for the parking and manoeuvring of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use. The parking spaces and manoeuvring area shall be retained thereafter available for its designated use.

Reason – In the interests of providing adequate off-street parking provision in accordance with policies CLP20 and CLP22 of the Chesterfield Local Plan

12. Prior to the development hereby permitted being occupied the first floor windows to the north elevation shall be installed with obscure glazing to a minimum of Pilkington Level 4 and with no opening part being less than 1.7m above the internal floor level. Once installed the obscure glazing shall be retained as such thereafter.

Reason – To safeguard the privacy and amenity of the occupiers of adjoining properties in accordance with policies CLP14 and CLP20 of the Chesterfield Local Plan.

11.3 Informative Notes

1. The Local Planning Authority have considered this application in a positive and proactive way in order to achieve a positive outcome for the application.
2. 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.
3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

4. In accordance with condition 3, appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
 - bird/owl/bat boxes
 - (Locating your nest box: Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.
 - You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.
 - The number of nest boxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.
 - Do not place your nest box close to a bird table or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)
 - (Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)
 - biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats
 - measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance

- holes in fences and boundary treatments to allow species such as hedgehog to move across the site
- bee bricks