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**Delegated report**      Officer: Thomas Beardsmore

**Application ref. DMPA/2021/1206**

Change of use and a proposed first floor rear extension and external alterations to former opticians (Use Class E) to 2no. flats to be occupied as serviced holiday accommodation at 1 Chapel Street, Melbourne, Derby, DE73 8EH

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Valid date:                      26/08/2021

Consults expired:              01/11/2021

EIA development?              No

Section 106 agreement?      Not required

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This decision is delegated to officers under the terms of the current Scheme of Delegation.

**Relevant planning history**

9/2009/0637 The installation of replacement sash windows - Approved October 2009

**Responses to consultations and publicity**

Melbourne Civic Society - This is part of a prominent and characterful building of c1800. The loss of retail/office use here is most regrettable. The area between the Market Place and Queensway has steadily risen in importance to Melbourne's commercial life over the last thirty years or so with initiatives such as Amalfi White, Zeerah and Kaza Kazana, Williams Yard, the Print Shop, and Budgens/Sainsburys etc. This building is at the heart of Melbourne's commercial offer. In any event, the shopfront is a good Edwardian period feature that adds interest to the character of the conservation area and should not be lost. Georgian, Victorian and Edwardian shopfronts are one of the features that "help to define Melbourne's particular character" (see SDDC's Melbourne Conservation Area Appraisal checklist, p39). It is one of three shopfronts of matching detail installed at the property in c1905. The other two are in nos. 8 and 10 Derby Road which were newly built at that time, and are similarly well-preserved. Therefore strongly object to this application and also request that it remains a retail property. The frontage must be retained at all costs and we do not feel that serviced holiday accommodation is an appropriate use of the building when considering a shortage of accommodation for single people and couples in the town. This application is definitely not in the spirit of the emerging Neighbourhood Plan.

County Highway Authority - No objection.

Derbyshire Wildlife Trust - Given the minimal nature of the proposed work to the exterior of the property we do not consider a bat and bird assessment to be necessary and overall we advise that the proposed development is unlikely to have an adverse impact on roosting bats and nesting birds.

Conservation Officer - The revised proposal which would retain the key features and streetscape presence of this traditional shopfront as a positive feature within the conservation area. Therefore satisfied that the amendments have addressed the previous concerns and the proposal would now have a neutral impact upon the character and appearance of the conservation area, preserving that character as is described as a 'desirable' objective within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Severn Trent - Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered. Informative requested.

## Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy); S2 (Presumption in Favour of Sustainable Development); S7 (Retail); SD1 (Amenity and Environmental Quality); SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure); INF2 (Sustainable Transport); BNE3 (Biodiversity); BNE1 (Design Excellence) and BNE2 (Heritage Assets).
- Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries and Development); BNE10 (Heritage); BNE11 (Shopfronts) and RTL1 (Retail Hierarchy)

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)
- Melbourne Conservation Area Character Statement (CACS)

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

## Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- Principle of Development;
- Design and impact on conservation area; and
- Highway Safety.

## Planning assessment

### Principle of Development

Consent is sought to change the use from a former opticians (Use Class E) to two flats to which are to be occupied as serviced holiday accommodation, with some minor alterations to front elevation and a first floor rear extension. The site is located within Melbourne's settlement boundary as defined by Policy SDT1 and also within Melbourne's Local Centre. Whilst the building currently remains vacant the last known primary use of the building was as an opticians, formerly considered to be a D1 use and now falling under Use Class E (e). The opticians also appeared to sell glasses to customers as well, which is made apparent by the glasses on display in the window as can be seen on Google Street View from previous years, this ancillary use of the business would have previously been considered an A1 use but now falls under Use Class E (e). Therefore, prior to the change in use classes and the introduction of the new Class E, the former use of the building would have been a mixed use of D1 and A1, but is now just considered to all fall under class E. Whilst it would formerly have been correct to apply Policy RTL1 Part F as the proposal would have resulted in a loss of retail within a local centre (albeit a retail use that was ancillary to the main use as an opticians) and a proposed change of use to Class C3 residential, this is no longer the case in light of the new Class MA. With permitted development rights now allowing for a change of use from Use Class E (a) to Use Class C3 with the

requirement for planning permission. As such, Local Plan Policy RTL1 Part F can therefore be considered to be out-of-date in respect of proposals where there is considered to be a change of use from Use Class E (a) - retail to Use Class C3 - residential and therefore the proposal is considered to be acceptable in principle.

#### Design and impact on conservation area

The property sits within the Melbourne Conservation Area near the Junction of Derby Road and Chapel Street. The property has a traditional timber framed shopfront, which is visible in photographs dating back to 1947. Whilst less prominent than the shopfront of the attached 'Spar' shop which sits at the very corner of Chapel Street and Derby Road the shopfront is non-the-less a striking streetscape feature and one of many high quality traditional shopfronts which collectively create a significant element of the special character and appearance of the Melbourne Conservation Area.

The proposal has been amended so as to retain the existing traditional shopfront of the property, albeit with alterations to both incorporate a transom which accommodates some opening lights for ventilation and to remove the existing entrance door within the shopfront as this feature would not be required. The elevations show that the existing door is to be replaced with the existing timber frame and glazing extended, with new brickwork below the frame in order to fill the open space. The proposed first floor extension at the rear of the building is a modest natural extension to the building and would not be harmful to its overall appearance, the proposed window for the extension with stone header and cill matches the style of the other windows and would provide good integration with the rest of the building.

The Council's Conservation Officer considers that the revised proposal would retain the key features and streetscape presence of this traditional shopfront as a positive feature within the conservation area and therefore would be satisfied that the amendments have addressed the previous concerns raised and the proposal would now have a neutral impact upon the character and appearance of the conservation area, preserving that character as is described as a 'desirable' objective within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as such the proposal is considered to comply with policies BNE1, BNE2 and BNE10.

#### Highway Safety

There are no car parking spaces included within the red line of the application site, as shown on the location plan. However, the site is located within a short walking distance of two public car parks both of which are located within the centre of Melbourne. It is noted that the County Highway Authority raises no objection to the proposal. It is therefore considered that the existing car parking which is located close to the site is sufficient parking provision for the requirements of the change of use and as such it is considered that the proposal complies with policy INF2.

#### **Recommendation**

##### **Approve with Conditions**

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

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| Recommendation made: | 12/11/2021       |
| Report agreed:       | 15/11/2021       |
| Authorised officer:  | Steffan Saunders |

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