



Please ask for Martin Elliott
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The Chair and Members of Planning
Committee

Councillors D Collins and L Collins –
Site Visits 1 & 2

5 May 2017

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 15 MAY 2017 at 3.00 pm in Committee Room 1, Town Hall, Rose Hill, Chesterfield S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

PLEASE NOTE THAT THE MEETING WILL BE PRECEDED BY THE FOLLOWING SITE VISITS.

Planning Committee Members should assemble in Committee Room 1 at 13:20. Ward members wishing to be present should attend on site as indicated below:-

1. 13:40 The Gables Netherthorpe – CHE/17/00037/FUL
2. 14:10 Markham Vale plot 13 from 15 Bridle Road – CHE/17/00182/REM

Members are reminded that only those attending on site will be eligible to take part in the debate and make a decision on these items. Members intending to declare a Disclosable Pecuniary Interest, or any other matter which would prevent them taking part in discussions on an item, should not attend the site visit for it

Ward members are invited to attend on site and should confirm their attendance by contacting Martin Elliott on tel. 01246 345236 or via e-mail: martin.elliott@chesterfield.gov.uk by 9.00 a.m. on Monday 15 May. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

Please ensure that all mobile phones are switched off during site visits and at the meeting at the Town Hall.

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 5 - 44)
 - 3 April
 - 24 April
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 45 - 226)
5. Building Regulations (P880D) (Pages 227 - 230)
6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 231 - 244)
7. Appeals Report (P000) (Pages 245 - 248)
8. Enforcement Report (P410) (Pages 249 - 252)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'S. Elliott', written over a horizontal line.

Local Government and Regulatory Law Manager and Monitoring Officer

PLANNING COMMITTEE

Monday, 3rd April, 2017

Present:-

Councillor Brittain (Chair)

Councillors	T Gilby Callan A Murphy Simmons Catt	Councillors	Miles Davenport P Barr Bingham Sarvent
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*Matters dealt with under the Delegation Scheme

The following site visits took place immediately before the meeting and were attended by the following Members:-

CHE/17/00017/OUT – Outline application with all matters reserved for one house joining onto 1 Branton Close at 1 Branton Close, Boythorpe, Chesterfield.

Councillors P Barr, Bingham, Brittain, Callan, Catt, Davenport, Flood (ward member), T Gilby, Miles, A Murphy, Sarvent and Simmons.

CHE/17/00054/COU – Change of use to coffee shop/refreshments/ food outlet at Save the Children, 5 Stephenson Place, Chesterfield.

Councillors P Barr, Bingham, Brittain, Callan, Catt, Davenport, T Gilby, Miles, A Murphy, Sarvent and Simmons.

CHE/17/00059/DEM - Application giving prior notification of the proposed demolition of vacant/former office accommodation at The Shrubberies, 46 Newbold Road, Chesterfield.

Councillors P Barr, Bingham, Brittain, Callan, Catt, Davenport, Dickinson (ward member), T Gilby, Miles, A Murphy, Sarvent and Simmons.

CHE/16/00045/FUL AND CHE/16/00046/LBC – Extension and remodelling of outbuilding to allow for conversion and extension to create

one No 3 bed dwelling, internal alterations and change of use to 28 Abercrombie Street (Ashton Lodge), Chesterfield to create 4 bed dwelling and erection of detached garage/annex building.

Councillors P Barr, Bingham, Brittain, Callan, Catt, Davenport, Dickinson (neighbouring ward member), T Gilby, Miles, A Murphy, Sarvent and Simmons.

CHE/16/00831/FUL – Proposed new detached dwelling at land adjacent to 21 Clarence Road, Chesterfield.

Councillors P Barr, Bingham, Brittain, Callan, Catt, Davenport, Dickinson (ward member), Miles, A Murphy, Sarvent and Simmons.

CHE/17/00067/COU – Proposed change of use from medical centre to 5 No residential units at 1 Tennyson Avenue, Chesterfield

Councillors P Barr, Bingham, Brittain, Callan, Catt, Davenport, Dickinson (ward member), T Gilby, Miles, A Murphy, Sarvent and Simmons.

152 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Caulfield, Hill and Wall.

153 **DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA**

Councillor Brittain declared an interest in agenda item 4, item 1 (CHE/17/00067/COU – Proposed change of use from medical centre to 5 No residential units at 1 Tennyson Avenue, Chesterfield), as he was a registered patient at Avenue House Surgery which had made a representation with regard to the application.

Councillor Davenport declared an interest in agenda item 4, item 6 (CHE/16/00831/FUL – Proposed new detached dwelling at land adjacent to 21 Clarence Road, Chesterfield), as she had publically declared her opposition to the application.

Councillor T Gilby declared an interest in agenda item 4, item 6 (CHE/16/00831/FUL – Proposed new detached dwelling at land adjacent

to 21 Clarence Road, Chesterfield), as he had taken the decision to sell the land to the applicant.

RESOLVED –

That in the absence of the Vice-Chair, Councillor Simmons would take the Chair for agenda item 4, item 1.

154 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meetings of the Planning Committee held on 20 February and 13 March, 2017 be signed by the Chair as a true record.

155 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE

*The Committee considered the under-mentioned applications in light of reports by the Group Leader, Development Management and resolved as follows:-

CHE/17/00059/DEM - APPLICATION GIVING PRIOR NOTIFICATION OF THE PROPOSED DEMOLITION OF VACANT/FORMER OFFICE ACCOMMODATION AT THE SHRUBBERIES, 46 NEWBOLD ROAD, CHESTERFIELD, DERBYSHIRE S41 7PL

In accordance with Minute No.299 (2001/2002), Mr Steve Markus (objector) and Ms Lesley Matthews (objector), addressed the meeting.

***RESOLVED –**

1. That the application giving prior notification of the proposed demolition of vacant / former office accommodation at The Shrubberies, 46 Newbold Road, Chesterfield, be approved.
2. That the details and methods submitted by the applicant for the demolition of the building and for the restoration of the site, as detailed at paragraph 5.2 of the officer's report, satisfactorily meet requirements to ensure that there is no significant adverse effect on local amenity during the demolition process.

CHE/17/00017/OUT - PROPOSED OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED FOR ONE HOUSE JOINING ONTO 1 BRANTON CLOSE AT 1 BRANTON CLOSE, BOYTHORPE, DERBYSHIRE S40 2NL, ADDITIONAL INFORMATION RECEIVED ON 14/03/2017

In accordance with Minute No.299 (2001/2002), Mr Wils Brady (objector) and Councillor Jenny Flood (ward member, and objector, on behalf of local residents), addressed the meeting.

That the officer recommendation be overruled and the application be refused for the following reasons:

It is considered that the introduction of a built form on this current piece of open grass verge would be at odds with the character of the area, where the prevailing streetscene is set back and includes a consistent building line. Furthermore the visual impact of the development proposed would be detrimental to the character and appearance of the streetscene, which is enjoyed by local residents as an area of open grass verge, and subsequently it is considered for these reasons the development is contrary to the provisions of policies CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.

CHE/16/00046/LBC and CHE/16/00045/FUL

LISTED BUILDING CONSENT – EXTENSION AND RE-MODELLING OF OUTBUILDING TO ALLOW FOR CONVERSION AND EXTENSION TO CREATE 1. NO.3-BED DWELLING, INTERNAL ALTERATIONS AND CHANGE OF USE TO ASHTON LODGE TO CREATE 4-BED DWELLING AND ERECTION OF DETACHED GARAGE/ANNEX BUILDING (REVISION TO APPLICATION CHE/15/0079/LBC).

and

PLANNING PERMISSION - EXTENSION AND RE-MODELLING OF OUTBUILDING TO ALLOW FOR CONVERSION AND EXTENSION TO CREATE 1. NO.3-BED DWELLING, INTERNAL ALTERATIONS AND CHANGE OF USE TO 28 ABERCROMBIE STREET (ASHTON LODGE), CHESTERFIELD TO CREATE 4-BED DWELLING AND ERECTION OF DETACHED GARAGE/ANNEX BUILDING (REVISION TO APPLICATIONS CHE/15/00078/FUL

In accordance with Minute No.299 (2001/2002), Mr Mathew Short (objector) and Mr Will Brearley of CT Planning (agent for the applicant), addressed the meeting.

That the officer recommendation be upheld and the application be approved subject to the following conditions:-

CHE/16/00045/FUL

A. Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Plans

2. All external dimensions and elevational treatments shall be as shown on the approved revised plans:

- P2315.401 Proposed Ground Floor
- P2314.402 Proposed First Floor
- P2315.403 Proposed Elevations
- P2315.404 Proposed Elevations
- P2315.421 Tree Protection Plan
- Design, Access and Heritage Statement

with the exception of any approved non material amendment.

Construction times

3. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Coal mining risk

4. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues and contamination on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the

remediation/stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

Storage of plant and materials

5. Unless otherwise agreed in writing by the Local Planning Authority, development shall not commence until a plan has been submitted to the Local Planning Authority for consideration and written approval showing the proposed storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods, vehicles, parking and manoeuvring of employees and visitors' vehicles. Once implemented the facilities shall be retained free from any impediment to their designed use throughout the construction period.

Tree protection

6. Unless otherwise agreed in writing by the Local Planning Authority, development shall be in accordance with The Tree Protection Plan (ref P2315.421) in the applicant's Arboricultural Impact Assessment prepared by Ben Bennet, Tree and Woodland Consultancy, February 2017. Tree protection measures, including any pruning works, will follow the method statement contained in Appendix 2 of the same document. The Council will require notification to inspect the root trial excavations within the RPA of TPO T28 Sycamore (T9 on the applicant's Tree Protection Plan) as stated in paragraph A2.1.11 of the same document.

Terrace construction

7. Unless otherwise agreed in writing by the Local Planning Authority, construction of any terracing on site shall not commence until details of materials and construction methods have been submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.
Reason: in the interests of tree protection and to protect the special character of the listed building and wider conservation area.

Bird and bat activity

8. No removal of vegetation shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a

competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

9. Prior to the commencement of development a bat roosting and bird nesting enhancement strategy shall be submitted to and approved in writing by the Local Planning Authority.

Surface water drainage

10. Development shall not commence until full details of proposed surface water drainage scheme have been submitted in writing to the Local Planning Authority for approval. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

Ownership of ancillary building

11. The two self-contained ancillary granny annexes and garages hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the two proposed dwellings within Ashton Lodge. The self-contained ancillary granny annexes shall:

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

Removal of permitted development rights

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted) Development Order 1995 (as amended), there shall be no extensions, outbuildings or garages constructed, or additional windows erected or installed at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.

CHE/16/00046/LBC

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Plans

2. All external dimensions and elevational treatments shall be as shown on the approved revised plans:

- P.2315.401 Proposed Ground Floor
- P2314.402 Proposed First Floor
- P2315.403 Proposed Elevations
- P2315.404 Proposed Elevations
- P2315.421 Tree Protection Plan
- Design, Access and Heritage Statement

Windows and doors

3. Unless otherwise agreed in writing by the local planning authority, development shall not commence until details of the proposed windows and doors (including garage doors) with cross sections have been submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

Stone, brick and mortar

4. Unless otherwise agreed in writing by the Local Planning Authority, development shall not commence until details of the proposed stone (including quoins, cills and heads), brick work and mortar types, have been submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

Guttering

4. Unless otherwise agreed in writing by the Local Planning Authority, development shall not commence until details of the proposed details of rainwater gutters, brackets, hoppers and down pipes to be used shall be

submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

B. That a CIL Liability notice be issued for £2,700 as per section 5.51 of the officer's report.

Councillors Davenport and T Gilby who had declared an interest in this item left the meeting at this point and did not take part in the subsequent discussion and vote.

CHE/16/00831/FUL - PROPOSED NEW DETACHED DWELLING AT LAND ADJACENT TO 21 CLARENCE ROAD, CHESTERFIELD, - ADDITIONAL INFORMATION RECEIVED ON 07/03/17 AND 21/03/2017

That the officer recommendation be upheld and the application be approved subject to the following conditions:-

- A. 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans GR-PL-001.1 Rev E with the exception of any approved non material amendment.
3. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority.
4. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
5. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

6. Unless otherwise agreed in writing by the local planning authority, development shall not commence until details of the proposed windows and doors with cross sections have been submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

7. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

8. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.

9. No development shall take place until site investigation works have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority. The details shall include:

- The submission of a scheme of intrusive site investigations for approval;
- The undertaking of that scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works

10. Details of the proposed site cross sections showing existing and proposed land levels and the proposed finished floor level of the dwelling shall be submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

11. No development shall take place until full details of both hard and soft landscape works, bin storage and boundary treatments have been

submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

12. Prior to occupation of the development hereby approved the windows in the South elevation and the windows in the first and second floor of the North elevation shall be obscure glazed with a minimum obscurity level of 3 as referred to in the Pilkington Texture Glass Range leaflet, or nearest equivalent as may be agreed in writing by the Local Planning Authority. The obscured glazing shall be maintained as such thereafter.

B. That a CIL Liability notice be issued for £7,150, as per section 5.8 of the officer's report.

Councillors Davenport and T Gilby returned to the meeting at this point.

Councillor Brittain who had declared an interest in this item, vacated the Chair, left the room and did not take part in the subsequent discussion and vote. Councillor Simmons then took the Chair for the item.

CHE/17/00067/COU - PROPOSED CHANGE OF USE FROM MEDICAL CENTRE TO 5 NO. RESIDENTIAL UNITS AT 1 TENNYSON AVENUE, CHESTERFIELD, DERBYSHIRE S40 4SN

That the officer recommendation be upheld and the application be approved subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans with the exception of any approved non material amendment.
3. Prior to commencement of development a plan shall be submitted to the Local Planning Authority for written approval showing the rear hardstanding laid out with a least 5 no. dedicated parking spaces of minimum dimensions 2.4m x 5.5m and manoeuvring to allow vehicles to enter and exit the site in a forward gear. Prior to the occupation of any of the dwellings hereby approved the space shall be laid out in accordance with the approved scheme, with the spaces marked out on site, and thereafter they shall be maintained free from any impediment to their designated use.

4. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

5. Prior to commencement of development details shall be submitted to the Local Planning Authority for written approval showing how the first floor doorway to Flat 3 shall be secured to prevent access onto the flat roof of the single storey extension for occupants (measures considered to be acceptable include the installation of a Juliette balcony railing, or replacement of the doorway with a window). Only those details agreed in writing shall be implemented prior to the occupation of Flat 3; and any measures thereafter shall be maintained as approved in perpetuity.

Councillor Brittain returned to the meeting and retook the Chair from Councillor Simmons.

CHE/17/00054/COU - FULL PLANNING APPLICATION FOR THE CHANGE OF USE TO COFFEE SHOP/REFRESHMENTS/FOOD OUTLET AT SAVE THE CHILDREN, 5 STEPHENSON PLACE, CHESTERFIELD S40 1XL

That the officer recommendation be upheld and the application be approved subject to the following conditions:-

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. Development shall be carried out in complete accordance with the approved plans.

156 BUILDING REGULATIONS (P880D)

*The Chief Building Control Officer reported that pursuant to the authority delegated to him he had determined the under-mentioned plans under the Building Regulations:-

(a) Approvals

- 16/02038/DCC Derbyshire County Council - Erection of a 6x6m steel framed canopy at Corfield CE Infant School Thorpes Road Heanor Derbyshire DE75 7GQ
- 17/00050/MUL Multiple Domestic - Construction of a ground floor wc in part of existing garage and replacement of existing kitchen extension with slightly larger extension at 42 Davian Way Walton Chesterfield Derbyshire S40 3HX
- 17/00096/DEX Domestic Extensions/Alterations - Two storey side extension and rear conservatory at 26 Blandford Drive Newbold Chesterfield Derbyshire S41 8QT
- 17/00207/DRO Domestic in-roof Extensions/Alterations - Dormer loft conversion at 9 Thornbridge Crescent Birdholme Chesterfield Derbyshire S40 2JH
- 17/00162/OTHC Other Works (Commercial) - Removal of int cross wall to sales shop inserting steel beams at first floor level to support upper floor and roof structure at 52 Lowgates Staveley Chesterfield Derbyshire S43 3TU
- 17/00159/MUL Multiple Domestic - Loft conversion and extension at 30 Foljambe Road Chesterfield Derbyshire S40 1NJ
- 17/00254/DRO Loft conversion at 42 Morris Avenue Newbold Chesterfield Derbyshire S41 7BA

(b) Refusals

- 16/02178/MUL Multiple Domestic - Two storey rear extension and garage to side at 122 Spital Lane Spital Chesterfield Derbyshire S41 0HN

- 17/00016/DEX Domestic Extensions/Alterations - Single storey rear extension; two storey side extension at 297 High Street New Whittington Chesterfield Derbyshire S43 2AP
- 17/00095/DOM Domestic Buildings and New Dwellings - New build development of 37 dwellings at Ringwood Centre Victoria Street Brimington Chesterfield Derbyshire S43 1HY

157 **APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE DEVELOPMENT MANAGEMENT AND CONSERVATION MANAGER (P140D)**

*The Development Management and Conservation Manager reported that pursuant to the authority delegated to him, he had determined the under-mentioned applications subject to the necessary conditions:-

(a) Approvals

- CHE/14/00352/RET Retention of existing commercial building (additional information received on 09/10/2014, 03/12/2014 and 20/02/2017) at Ruane Transport Services Ltd Whitting Valley Road Chesterfield Derbyshire S41 9HY for Ruane Transport Services Limited
- CHE/16/00672/FUL Construction of 6 light industrial units on land to the rear of 875 Sheffield Road, Sheepbridge, which is presently used for the storage of plant and vehicles, amended drawings received 10th January 2017 at land adj 877 Sheffield Road Sheepbridge Derbyshire S41 9EQ for Mr Peter Lister
- CHE/16/00769/FUL Demolition of existing retail unit; 1 x proposed detached residential dwelling; and 1 x shop/retail unit with accommodation above - additional plans received 26/01/2017 and 01/03/2017 at 26A Circular Road Staveley Derbyshire S43 3QX for Mrs Daljit Kaur

- CHE/16/00809/FUL Installation of portakabin and paladin weld mesh fence to surround office and portakabin and cooling blocks and new personnel gates to paladin weld mesh fence line. Installation of new single personnel gates to either end of main warehouse. Relocation of smokers shelter behind portakabin at Plot 1B Markham Vale Markham Lane Duckmanton S44 5HS for Great Bear Distribution Ltd
- CHE/16/00811/FUL Conversion of existing side/rear flat roof to a hipped roof at 28 Somersall Park Road Chesterfield Derbyshire S40 3LD for Mr and Mrs Ritchie
- CHE/16/00816/FUL Decking area to rear garden at 9 Peterdale Road Brimington Derbyshire S43 1JA for Mr Dave Benison
- CHE/16/00819/FUL Proposed toilet block building to rear yard area to serve outdoor seating area at 21-23 Holywell Street Chesterfield S41 7SA for Mr G Livoti
- CHE/17/00003/FUL Erection of single storey garage to the rear of property replacing existing garage at 43 Norbriggs Road Woodthorpe Derbyshire S43 3BT for Mr Adrian Rutter
- CHE/17/00006/FUL Relocation of existing stone boundary wall nearer the back of the highway to incorporate private land into the garden area (revised drawing submitted 01/02/17) at 1 Green Glen Chesterfield Derbyshire S40 3SH for Mr Richard Lobar
- CHE/17/00014/RET Retention of works for alterations to office including removal of chimney and addition of four windows to side elevation and internal alterations at 10 Ringwood Road Brimington Derbyshire S43 1DG for Robinsons Caravans Ltd
- CHE/17/00015/FUL Extension to existing house at 32 Storrs Road Chesterfield Derbyshire S40 3PZ for Miss Natalia Shaw

- CHE/17/00016/FUL Proposed two storey side extension, single storey rear extension with new front entrance porch at 128 Kirkstone Road Newbold Derbyshire S41 8HE for Mr and Mrs Stuart Hutchenson
- CHE/17/00019/FUL Removal of existing rear conservatory and raised terrace and erection of a single storey lower ground floor extension (re-submission of CHE/16/00120/FUL) at 63 Storrs Road Chesterfield Derbyshire S40 3QA for Ms Jane Galley
- CHE/17/00021/FUL Proposed front and rear extensions at 17 Larch Way Brockwell Chesterfield Derbyshire S40 4EU for Mr David Haag
- CHE/17/00022/FUL Proposed two storey rear extension at 93 Gloucester Road Stonegravels Chesterfield Derbyshire S41 7EF for Mr Fred Cornelius
- CHE/17/00025/FUL Demolition of single storey store, erection of 2 storey side extension and rear conservatory at 26 Blandford Drive Newbold Chesterfield Derbyshire S41 8QT for Miss Shani Wylds
- CHE/17/00029/FUL Alterations to elevations to include the installation of a new "Folded Roof" concept, comprising of aluminium cladding to the roof and the redecoration of existing frontage at McDonalds Restaurant Ltd Unit 5 Alma Leisure Park Derby Road Chesterfield Derbyshire S40 2EZ for McDonalds Restaurants Ltd
- CHE/17/00030/ADV Relocation of 4 existing signs and installation of 3 new signs at McDonalds Restaurant Ltd Unit 5 Alma Leisure Park Derby Road Chesterfield Derbyshire S40 2EZ for McDonalds Restaurants Ltd

- CHE/17/00036/TPO T3 - Raise canopy, clean crown of dead, damaged or diseased branches, crown reduce by 10% to prevent tree from becoming too large for its position at Holywell Annexe Holywell Street Chesterfield Derbyshire S41 7SH for Bothams, Mitchell, Slaney
- CHE/17/00042/FUL Conversion of dilapidated external toilet and store area to shower room and wc at Raj News 115 - 117 Baden Powell Road Chesterfield Derbyshire S40 2RL for Mr N Agath
- CHE/17/00049/HERM Removal of hedge to facilitate better farming practice and turning with large agricultural machines at Hagge Farm unnamed road off Staveley Lane Near Hagge Farm Middle Handley Derbyshire S21 5RP for Mr Alan Jackson
- CHE/17/00053/FUL Resubmission of CHE/16/00720/FUL - Two storey rear extension and single storey side extension at 9 Balmoak Lane Tapton Derbyshire S41 0TH for Mr Garry Dean
- CHE/17/00058/TPO Works to trees to clear highway, street lights and building and excessive shading at 108 Highland Road New Whittington Derbyshire S43 2EZ for Mr David Clarke
- CHE/17/00063/FUL Erection of non-advertising two bay cantilever with full end panels bus shelter complete with hardstanding (shelter dimensions 3.18m x 1.71. x 2.6m high) at proposed bus shelter Winnats Close Loundsley Green Chesterfield Derbyshire for Chesterfield Borough Council
- CHE/17/00079/CA T1 and T2 - pollard at Holywell Annexe Holywell Street Chesterfield Derbyshire S41 7SH for Bothams Mitchell Slaney
- CHE/17/00085/TPO T22 Hornbeam - prune to reduce canopy by 50% at land to the rear of 79 Sheffield Road Stonegravels Chesterfield for Beauchief Homes Limited

- CHE/17/00099/TPO Pruning and crown lifting to 5.2m over highway of 4 London plane trees at Durrant House 47 Holywell Street Chesterfield Derbyshire S41 7SJ for Sixt Rent A Car
- CHE/17/00147/TPO Fell one pear tree at 113 High Street Old Whittington Derbyshire S41 9LB for Louise Parker
- CHE/17/00178/TPO Remove leaning trees on the woodland edge to the south of Cheetham Avenue at Birch Hall Golf Club Sheffield Road Sheepbridge Derbyshire S18 4DB for Mr Rupert Carr

(b) Refusals

- CHE/16/00821/FUL Proposed erection of a detached dwelling and new dropped crossing to form off street parking spaces at 158 and 160 Manor Road Brimington Derbyshire S43 1NW for Mr and Mrs Rollett
- CHE/17/00023/TPO Removal of 3 Scots Pines because of building movement and low amenity value. Replanting to be decided afterwards at 392 Ashgate Road Chesterfield Derbyshire S40 4DD for Mr Roger Myddelton
- CHE/17/00032/FUL Two storey side extension and single storey rear extension - Revised plans received 14.02.17 at 16 Morris Avenue Newbold Derbyshire S41 7BA for Mr Paul Markham

(c) Discharge of Planning Condition

- CHE/17/00004/DOC Discharge of condition Nos 11, 12, 15 and 19 relating to CHE/16/00031/FUL - demolition of existing garage and construction of convenience store (Class A) at Double Top Inkersall Green Road Inkersall Derbyshire S43 3HA for Assured Property

- CHE/17/00041/DOC Discharge of planning condition Nos 3, 4 and 6 - CHE/16/00525/FUL at 31 Netherfield Road Somersall Derbyshire S40 3LS for Mr Sam Toplis
- CHE/17/00080/DOC Discharge condition 4 (Construction Management Plan) on applications CHE/16/00620/FUL and CHE/16/00621/FUL at Unit 3 and Unit 4 Spire Walk Business Park Spire Walk Chesterfield Derbyshire for Mr Rob Devoy

(d) Prior notification approval not required

- CHE/17/00091/TPD Single storey extension to the rear elevation at 30 Newbridge Lane Brimington Derbyshire S43 1LY for Mr B Chapman
- CHE/17/00098/TPD Single storey pitched roof extension at 72 Foljambe Avenue Walton Derbyshire S40 3EX for Mr Chris Wilkes
- CHE/17/00115/TPD Kitchen extension at 6 Leyburn Close Brockwell Chesterfield Derbyshire S40 4DW for Mrs Dawn Stirling

(e) CLOPUD granted

- CHE/17/00096/CLO Single storey extension to rear of property with a lean-to roof over at 27 Deerlands Road Ashgate Chesterfield Derbyshire S40 4DF for Mr and Mrs Hill
- CHE/17/00102/CLO Proposed single storey extension to be formed between an existing flat roofed rear extension and a rear projecting conservatory at 5 Westbourne Grove Ashgate Chesterfield Derbyshire S40 3QD for Mr and Mrs Williams

(f) Found to be permitted development

- CHE/17/00126/FUL Installation of an ATM through the existing glazing to the far left hand side of the shop front. Replacement of part of the existing glazing with a

white laminate composite security panel incorporating the ATM fascia with black bezel surround and white internally illuminated lettering Free Cash Withdrawals out of black background. Blue LED halo illumination to the ATM surround at

(g) Other Council no objection with comments

CHE/17/00151/CPO Utilisation of route of former Midland Railway Clowne branch line to construct 3m wide, 7.2 kilometre long surface strategic greenway from Creswell village to Clowne to new commercial development site of former Seymour Colliery. The development will provide seven DDA compliant connections to existing highway and footpath network. The development will change use of site from railway to greenway at former Branch Line, Oxcroft Junction, Woodthorpe, Derbyshire for Derbyshire County Council

158 **APPLICATIONS TO FELL OR PRUNE TREES (P620D)**

*The Development Management and Conservation Manager reported that pursuant to the powers delegated to him he had determined the under-mentioned applications in respect of:-

(a) The felling and pruning of trees:-

CHE/17/000178/TPOEXP Consent is granted to the felling of dead and leaning trees on the woodland edge of Brierley Wood, Unstone for Mr Rupert Carr of Birchall Golf Club, Sheffield Road, Unstone.

The duty to plant replacement trees has been dispensed with on this occasion due to natural regeneration within the woodland.

CHE/17/00023/TPO Consent is refused to the felling of 3 Pine trees within G2 on the Order map for Anderson Tree Care on behalf of Mr Myddelton of 392 Ashgate Road, Ashgate, Chesterfield.

CHE/17/00036/TPO	Consent is granted to the pruning of one London Plane tree reference T6 on the Order map for Underwood Tree Services on behalf of Botham Mitchell Slaney at Holywell Annexe, Holywell Street, Chesterfield.
CHE/17/00099/TPO	Consent is granted to the pruning of 4 London Plane trees reference T2 to T5 on the Order map for Pope Bros Ltd on behalf of Sixt Rent a Car at Durrant House, Holywell Street, Chesterfield.
CHE/17/00058/TPO	Consent is granted to the pruning of 8 Sycamore trees within A2 on the Order map for Mr Clarke of 108 Highland Road, New Whittington, Chesterfield.
CHE/17/00058/TPO	Consent is refused to the felling of 3 trees reference T6 and T8 Lime and T7 Sycamore on the Order map for AWA Tree Consultant Ltd on behalf of Brampton Primary School.

(b) Notification of Intent to Affect Trees in a Conservation Area

CHE/17/00079/CA	Agreement to the pruning of two London Plane trees. The pruning works will have no adverse effect on the amenity value of the area.
The pruning of 2 London Plane trees for Underwood Tree Services at Holywell Annexe	The trees are within the Abercrombie Street and Town Centre Conservation Areas and the applicant wishes to prune the trees back to previous pollarding points.

159 **APPEALS REPORT (P000)**

The Group Leader, Development Management reported on the current position in respect of appeals which had been received.

***RESOLVED -**

That the report be noted.

160 ENFORCEMENT REPORT (P410)

The Local Government and Regulatory Law Manager and the Group Leader, Development Management submitted a joint report on the current position regarding enforcement action which had been authorised by the Council.

***RESOLVED -**

That the report be noted.

161 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC**RESOLVED -**

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 3 and 6 of Part 1 of Schedule 12A of the Act.

162 KNIGHTSBRIDGE COURT (FORMER MAGISTRATES COURT), WEST BARS, CHESTERFIELD - DELEGATION TO OFFICERS OF POWER TO TAKE URGENT ACTION

The Local Government and Regulatory Law Manager and the Development Management and Conservation Manager submitted a report to update members of current situation with regard to the grade II listed former magistrate's court building (known as Knightsbridge Court), at West Bars Chesterfield.

The report sought permission for authority to be delegated to the Development Management and Conservation Manager, in consultation with the Local Government and Regulatory Law Manager, to consider and, if appropriate, take action under delegation reference P320 of the council's constitution (power to execute urgent works to listed buildings) with regard to the former magistrate's court building. The request for delegated authority had been made due to incidents of vandalism and

anti-social behaviour at the building, as well as its continuing deteriorating condition.

***RESOLVED –**

That authority be delegated to the Development Management and Conservation Manager, in consultation with the Local Government and Regulatory Law Manager, to consider and, if appropriate, take action under delegation reference P320 of the council's constitution (power to execute urgent works to listed buildings) in respect of the former Magistrates Court building (known as Knightsbridge Court) at West Bars, Chesterfield.

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PLANNING COMMITTEE

Monday, 24th April, 2017

Present:-

Councillor Brittain (Chair)

Councillors	P Barr	Councillors	Miles
	Callan		Davenport
	Simmons		P Barr
	Catt		Sarvent
	Caulfield		

*Matters dealt with under the Delegation Scheme

The following site visits took place immediately before the meeting and were attended by the following Members:-

CHE/17/0068/FUL - Proposed new dormer bungalow within the curtilage of 7 Myrtle Grove (revised plans received 10.03.2017)

Councillors P Barr, Callan, Catt, Caulfield, Davenport, Miles, Sarvent and Simmons.

CHE/17/00119/MA & CHE/17/00120/MA – amendments to house types on Plots 1, 2 and 3 at 246A Ashgate Road, Chesterfield

Councillors P Barr, Borrell (ward member), Brittain, Callan, Catt, Caulfield, Davenport, Miles Niblock (ward member), Perkins (neighbouring ward member), Sarvent and Simmons.

163 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bingham, Elliott, T Gilby, Hill, A Murphy and Wall.

164 **DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS
RELATING TO ITEMS ON THE AGENDA**

Councillor Brittain declared an interest in agenda item 3, item 1 (CHE/17/0068/FUL - Proposed new dormer bungalow within the curtilage of 7 Myrtle Grove, Hollingwood), as he was currently standing for election to Derbyshire County Council in the Brimington Division.

RESOLVED –

That in the absence of the Vice-Chair, Councillor Simmons would take the Chair for agenda item 3, item 1.

165 **APPLICATIONS FOR PLANNING PERMISSION - PLANS
DETERMINED BY THE COMMITTEE**

*The Committee considered the under-mentioned applications in light of reports by the Group Leader, Development Management and resolved as follows:-

Councillor Brittain who had declared an interest in this item, vacated the Chair, left the room and did not take part in the subsequent discussion and vote. Councillor Simmons then took the Chair for the item.

**CHE/17/00068/FUL - PROPOSED NEW DORMER BUNGALOW
WITHIN THE CURTILAGE OF 7 MYRTLE GROVE (REVISED PLANS
RECEIVED 10.03.2017), HOLLINGWOOD, CHESTERFIELD.**

That the officer recommendation be upheld and the application be approved subject to the following conditions:-

- A. 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plan/s drawing dated January 2017, with the exception of any approved non material amendment:
 - 4195/1/17 Revision A (Site Layout and Sections)
 - 4195/2/17 Revision A (Proposed House Type)
 - 4195/3/17 Revision A (Landscaping Layout)
 - Design and Access Statement

- Topographical Survey s500-s-1

3. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.

4. Before any operations are commenced, excluding the above, 2 parking spaces shall be provided for the existing property 7 Myrtle Grove and once provided they shall be maintained thereafter free from impediment to designated use.

5. The premises, the subject of the application, shall not be occupied until 2 on-site parking spaces have been provided for in accordance with the application drawings laid out and constructed as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to designated use.

6. Prior to the occupation adequate bin storage and a bin dwell area for use on refuse collection days shall be provided as per the application drawings clear of the public highway, within the site curtilage clear of all access and parking and turning provision and retained thereafter free from impediment to designated use.

7. Working hours - Unless otherwise approved in writing by the Local Planning Authority demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 1:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

8. There shall be no gates or other barriers unless otherwise agreed in writing by the Local Planning Authority.

9. No development shall take place until site investigation works have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority. The details shall include:

- The submission of a scheme of intrusive site investigations for approval;
- The undertaking of that scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and Implementation of those remedial works.

Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.

10. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed, or additional windows erected or installed at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.

11. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.

B. That a CIL Liability Notice be issued for £4,700 as per section 5.11 of the officer's report.

Councillor Brittain returned to the meeting and retook the Chair from Councillor Simmons.

CHE/17/00119/MA - MATERIAL AMENDMENT OF HOUSE TYPE ON PLOTS 1 AND 2 AND SITING OF PLOT 2 OF CHE/15/00514/REM

AND

CHE/17/00120/MA - MATERIAL AMENDMENT OF HOUSE TYPE, SITING AND LANDSCAPING TO PLOT 3 OF CHE/15/00514/REM

AT 246A ASHGATE ROAD, CHESTERFIELD, DERBYSHIRE S40 4AW.

In accordance with Minute No.299 (2001/2002), Ms Georgina Wells-Lomas-Page (objector), Mr Colin Bates (objector), Ms Janet Pearson (objector), Councillor Suzie Perkins (ward member for Holmebrook ward and objector on behalf of the residents of Churston Road), Mr Tim Stubbins of Mitchell and Proctors (architect for the applicant), Mr Tom Aston (the applicant) and Ms Charlotte Stainton of Stainton Planning Consultancy (agent for the applicant), addressed the meeting.

CHE/17/00119/MA

That the officer recommendation be overruled and the application be refused for the following reason.

In the opinion of the local planning authority the design of the buildings constructed on plots 1 and 2 are inappropriate having regard to the details and proportions of the windows and the additional brickwork between the upper floor windows and eaves level. The consequential increased eaves and ridge heights present an overbearing impact to the detriment of the amenities of the neighbours to the east on Churston Road. The local planning authority consider therefore that the development does not respond to and integrate with the character of the local area and is therefore at odds with policies CS2 and CS18 of the Core Strategy 2011 – 2031 and the National Planning Policy Framework.

CHE/17/00120/MA

That the officer recommendation be upheld and the application be approved subject to the following condition:-

All external dimensions and elevational treatments shall be as shown on the approved plans, 15-532-05D, 15-532-41B and the Cross Section Drawing Plot 3 to No 17 Churston Road, with the exception of any approved non material amendment.

Councillor Davenport left the meeting at this point and did not return.

166 BUILDING REGULATIONS (P880D)

*The Chief Building Control Officer reported that pursuant to the authority delegated to him he had determined the under-mentioned plans under the Building Regulations:-

(a) Approvals

16/01863/DEX	Domestic Extensions/Alterations - 2 Storey Side Extension at 12 Lathkill Avenue Inkersall Chesterfield Derbyshire S43 3JA
16/02164/DOM	Domestic Buildings and New Dwellings - 4 new dwellings at Lodge Farm Westwood Lane Brimington Chesterfield Derbyshire S43 1PA
17/00258/DRO	Domestic in-roof Extensions/Alterations - Loft conversion at 55 Ashgate Avenue Ashgate Chesterfield Derbyshire S40 1JD
17/00538/MUL	Multiple Domestic - Loft conversion and rear extension at 9 Hazel Drive Walton Chesterfield Derbyshire S40 3EN
17/00492/DEX	Domestic Extensions/Alterations - Single storey and two storey extensions at 19 Westbrook Drive Chesterfield Derbyshire S40 3PQ
17/00005/OTHC	Other Works (Commercial) - Construction of staff room and laundry room at Tapton Grove Nursing Home Balmoak Lane Tapton Derbyshire
17/00319/DEX	Domestic Extensions/Alterations - Two storey extension and new roof at 67 Yew Tree Drive Somersall Chesterfield Derbyshire S40 3NB
17/00460/DEX	Domestic Extensions/Alterations - Rear extension at 38 Franklyn Road Brockwell Chesterfield Derbyshire S40 4AY

(b) Refusal

17/00160/DOM Domestic Buildings and New Dwellings - Erection of detached dwelling adj 158 and 160 Manor Road at 160 Manor Road Brimington Chesterfield Derbyshire S43 1NW

167 **APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE DEVELOPMENT MANAGEMENT AND CONSERVATION MANAGER (P140D)**

*The Development Management and Conservation Manager reported that pursuant to the authority delegated to him, he had determined the under-mentioned applications subject to the necessary conditions:-

(a) Approvals

CHE/16/00490/FUL Proposed two storey side and front extension (revised plans received 30.01.2017, minor alterations received 06.02.2017) at 4 Errington Road Chesterfield S40 3EP for Mr Scott Cooper

CHE/16/00756/FUL New external K-Rend concrete ender (colour to be agreed) to ground floor areas and western red cedar (or similar) to first floor areas. New window and door openings formed/amended with glazed balustrading to first floor areas. New roof to existing porch entrance at Brocklehurst Court Brocklehurst Piece Chesterfield S40 2QY

CHE/16/00774/FUL Demolish existing two storey offshoot rear extension and erect new two storey extension to increase floor area by 24 sq m over two floors at 49 Compton Street Chesterfield S40 4TA for Mr Richard Burke

CHE/16/00789/CO Change of use from B2 (industrial) to B8 (storage and distribution) with containers located on site for the use as storage at land adjacent 17A Whitting Valley Road Old Whittington Chesterfield S41 9EY

	for Chesterfield Secure Storage
CHE/17/00011/FUL	Two storey side extension and single storey rear extension at 32 Greenways Walton Chesterfield S40 3HF for Mr Evans
CHE/17/00012/FUL	Two storey extension to the side elevation at 4 Chestnut Drive Hollingwood Chesterfield S43 2LZ for Mr David Bannister
CHE/17/00033/FUL	Erection of a single storey gable end style conservatory to the side of existing property at Greycot, Highfield Road Chesterfield S41 7HB for Mr Ryan Newton
CHE/17/00045/RET	Retrospective planning permission for external garden/ retaining walls at 98 Boythorpe Road Chesterfield S40 2LR for Mr Andy Turner
CHE/17/00046/FUL	Single storey rear extension at 1 St Davids Rise Walton Chesterfield S40 3HD for Mr Tom Snowdon
CHE/17/00048/CO	Change of use from B1 (office) to D1 (reflexology treatment room) at Room 4 over 2 - 4 Corporation Street Chesterfield S41 7TP for Insync Reflexology
CHE/17/00053/FUL	Resubmission of CHE/16/00720/FUL - Two storey rear extension and single storey side extension at 9 Balmoak Lane Tapton Chesterfield S41 0TH for Mr Garry Dean
CHE/17/00055/FUL	First floor extension and insertion of first floor side window at 596 Chatsworth Road Chesterfield S40 3JX for Jayne Dannatt
CHE/17/00056/FUL	Proposed rear extension at 13 Shaftesbury Avenue Chesterfield S40 1HN for Mr and Mrs Max Kerley
CHE/17/00057/FUL	Extension to front of property at 100 Norwood Avenue Hasland Chesterfield S41 0NH for M Bladon

- CHE/17/00058/TPO Works to trees to clear highway, street lights and building and excessive shading at 108 Highland Road New Whittington Chesterfield S43 2EZ for Mr David Clarke
- CHE/17/00069/ADV Illuminated and non-illuminated signage at Sainsburys Rother Way Chesterfield S41 0UB for Sainsbury's Supermarkets Ltd
- CHE/17/00071/DO Discharge of conditions 3 6 and 7 of CHE/16/00463/FUL - Installation and operation of back-up electricity generation facility and as amended by additional information received on 24.03.2017 at land at Whittington Road Barrow Hill Chesterfield for Mercia Power Response
- CHE/17/00072/FUL Proposed first storey extension at 267 Ashgate Road Chesterfield S40 4DB for Mrs Joanna Platts
- CHE/17/00075/FUL Proposed conservatory at 38 Ashover Road Inkersall Chesterfield S43 3EG for Mr and Mrs Cuckson
- CHE/17/00076/FUL Two storey side extension to replace existing single storey car port; pitched roof over existing single storey rear extension; small single storey projection at front at 88 Langer Lane Chesterfield S40 2JJ for Mr and Mrs Leaman
- CHE/17/00078/RET Retrospective planning consent for extending existing driveway entrance at 317 Manor Road Brimington Chesterfield S43 1NU for Mr Gerald Miles
- CHE/17/00086/FUL Proposed replacement garage at 42 Morris Avenue Chesterfield S41 7BA for G Thorpe
- CHE/17/00089/FUL Single storey rear extension to form new dining room at 71 Dunston Lane Newbold Chesterfield S41 8EZ for Mrs Wendy Knott
- CHE/17/00090/TPO Crown reduction of branches over garden and

- crowm thin at 96 Hady Crescent Chesterfield S41 0EA for Mr Glyn Moakes
- CHE/17/00095/FUL Erection of a single storey extension to the front elevation and as amended by revised plans received on 24/03/17 at 43 Balmoak Lane Chesterfield S41 0TH for Mr Jay Jaiswal
- CHE/17/00100/FUL Erection of a detached garage at rear - re-submission of CHE/16/00454/FUL at 10 Welwyn Close Chesterfield S40 1HH for Mr Mark Hibbert
- CHE/17/00103/FUL Extension to rear and side elevations of dwelling at 223 Hady Lane Chesterfield S41 0DA for Mr Neil Boden
- CHE/17/00106/FUL Demolition of existing garage and construction of new dwelling-house (2 storey dormer style bungalow with separate double garage block) at land adjacent 215 Hady Lane Chesterfield for Mr Philip Colledge
- CHE/17/00118/FUL Proposed single storey side and rear adjoined extension to cater for new utility space and living area, works will include internal re-model of existing house at 16 Station Road Barrow Hill Chesterfield S43 2NL for Mr John Treweek
- CHE/17/00121/TPO Horsechestnut - repollard and fell one Whitebeam at 12 Glenthorne Close Chesterfield S40 3AR for Mrs Christine Morgan
- CHE/17/00138/FUL Proposed rear first floor extension, single storey front extension and internal alterations at 10 Firvale Road Walton Chesterfield S42 7NN for Mrs R Holmes
- CHE/17/00143/TPO Oak (T16) - tip back easterly bough to give 4m clearance from roof of dwelling at 8 Sedbergh Crescent Chesterfield S41 8DY for Chesterfield Borough Council

- CHE/17/00165/TPO Sycamore tree - crown lift to bottom layer and crown thin by 25% at 159 Old Hall Road Chesterfield S40 1HG for Miss Tracey Hume
- CHE/17/00171/TPO Removal of trees T2 (cherry), T3 (Lombardy Poplar), T4 (ash), removal of damaged branch of T9 (oak), 50% reduction of larger lombardy poplars in row G1, removal of 2 leaning poplars at north end of row, 3m lift of G1 and removal of lowest branch of oak tree near top of row G1 at site of former Sheepbridge Sports and Social Club Newbold Road Newbold Chesterfield for Avant Homes
- CHE/17/00173/NM Non material amendment to CHE/16/00525/FUL - Two bedroom detached dwelling at 31 Netherfield Road Chesterfield S40 3LS for Mr Sam Toplis
- CHE/17/00181/TPO Trees to be felled at base. The remaining trees in the mixed group of G6 (comprising two silver birch) to be untouched at 24 Westfield Close Chesterfield S40 3RS for Mr Stephen Hudson
- CHE/17/00193/TPO Oak (T43) to prune branch extension by 1.5 over the plot and remove branch growing over the sub-station, Poplar (T48) to dismantle fell, Maple (T46) dismantle fell, Maple (T36) to crown lift behind plot 2, Lime (T14) dismantle fell, Oak (T11) Side prune the site side of the tree by 1.5m and remove a low limb at Ringwood Centre Victoria Street Brimington Chesterfield S43 1HY for D J Atkinson Construction Ltd
- CHE/17/00211/TPO Removal of silver birch at 1 Somersall Close Chesterfield S40 3SG for Mr Kirkland
- CHE/17/00212/TPO Crown lift and thin all trees behind 88 Hady Crescent at St Peter and St Paul School Hady Hill Chesterfield S41 0EF for Mrs Lynne Lynch

CHE/17/00221/CA Felling of 1 Ash tree damaging wall at 3 Newbold Road Newbold Chesterfield S41 7PG

CHE/17/00246/TPO 1 Sycamore, 1 Ash, 2 x Horse Chestnuts. All 4 trees to be crowned and thinned by 20% and the crown lifted by 3 metres at 8 Green Glen Chesterfield S40 3SH for Mrs Kate Ogilby

(b) Refusals

CHE/17/00051/TPO Fell the trees T6 Lime, T7 Sycamore and T8 Lime, grind out or treat stumps, to remedy existing wall damage, remove trip hazard, prevent further damage and hazards. Undertake replacement planting in the western third of the site, to avoid future similar damage issues arising as the trees mature at Brampton Primary School School Board Lane Chesterfield S40 1DD for AWA Tree Consultants Ltd

CHE/17/00077/CO Change of use from light industrial to gymnasium (D2) at former Unit 26 Storforth Lane Trading Estate Circular Road Hasland Chesterfield

(c) Discharge of Planning Condition

CHE/17/00060/DO Discharge of conditions 14 (Phase II Site investigation) of CHE/16/00042/FUL - Demolition of existing house and associated outbuildings, sheds and barns and construction of four new houses on site at Lodge Farm Westwood Lane Brimington Chesterfield S43 1PA for Mark Godfrey

CHE/17/00113/DO Discharge of conditions No 4 and 13 related to CHE/14/00380/OUT and discharge of condition No 5 relating to CHE/15/00838/REM at Ringwood Centre Victoria Street Brimington Chesterfield S43 1HY for Rockcliffe Homes Ltd

CHE/17/00132/DO Discharge conditions 2, 3, 6, 11, 15 and 16 on CHE/16/00282/FUL at land adjacent 95 - 97 Rectory Road Duckmanton Chesterfield S44 5EE for Mrs Katie Rowley

(d) Prior notification approval not required

CHE/17/00163/TPD Single storey rear extension at 41 School Board Lane Chesterfield S40 1ET for Mrs O'Sullivan

CHE/17/00179/TPD Proposed rear conservatory at 17 Larch Way Chesterfield S40 4EU for Mr David Haag

168 APPLICATIONS TO FELL OR PRUNE TREES (P620D)

*The Development Management and Conservation Manager reported that pursuant to the powers delegated to him he had determined the under-mentioned applications in respect of:-

(a) The felling and pruning of trees:-

CHE/17/00211/TPOEXP Consent is granted to the felling of one Silver Birch tree within G24 on the Order map for Mr Kirkland of 1 Somersall Lane, Somersall, Chesterfield.

The replacement tree is to be a Silver Birch and planted as near as possible to the original tree.

CHE/17/00181/TPO Consent is granted to the felling of two trees within G6 on the Order map including one Sycamore and one Ash tree for Mr Hudson of 24 Westfield Close, Brampton, Chesterfield.

The replacement trees are to be one Silver Birch and one Mountain Ash and planted as near as possible to the original trees.

CHE/17/00143/TPO Consent is granted to the pruning of one Oak tree reference T16 on the Order map for William Thornhill on behalf of Chesterfield Borough Council. The tree is growing in the neighbouring property and close to the roof of 8 Sedbergh Crescent, Dunston, Chesterfield.

- CHE/17/00121/TPO Consent is granted to the re-pollarding of one Horsechestnut within G4 on the Order map for Mrs Morgan of 12 Glenthorne Close, Brampton, Chesterfield.
- Consent is also granted to the felling of one Whitebeam tree and a condition attached to plant a more suitable small sized tree to suit the garden in the first available planting season after felling.
- CHE/17/00090/TPO Consent is granted to the pruning of two trees reference T20 Sycamore and T21 Oak on the Order map for Mr Moakes of 96 Hady Crescent, Chesterfield.
- CHE/17/00165/TPO Consent is granted to the pruning of one Sycamore tree reference T1 on the Order map for Miss Hume of 159 Old Hall Road, Brampton, Chesterfield.
- CHE/17/00171/TPO Consent is granted to the pruning of 86 Poplar trees within G1 and the pruning of 1 Oak reference T9 on the Order map for AMJ Contracts on behalf of Avant Homes at Pomegranate Park, Newbold, Chesterfield.
- Consent is also granted to remove one damaged branch on T9 Oak pruning back to the main stem and the felling of two leaning Poplar trees with G1 with a condition that two new Field Maple trees are planted as replacements in the first available planting season after felling.
- CHE/17/00212/TPO Consent is granted to the pruning of one Sycamore tree reference T13 on the Order map for Mrs Lynch of 88 Hady Crescent, Chesterfield.

- CHE/17/00193/TPO Consent is granted to the pruning of two Oak trees reference T11 and T20 on the Order map for JD Atkinson Construction Ltd at the former Ringwood Centre, Victoria Road, Brimington, Chesterfield.
- CHE/17/00246/TPO Consent is granted to the pruning of 1 Sycamore, 1 Ash and 2 Horsechestnut trees within A1 on the Order map for Mrs Kate Ogilby of 8 Green Glen, Brampton, Chesterfield.
- CHE/17/00210/TPO Consent is granted to the pruning of one Beech tree within G2 on the Order for Mr Ashlay Kirk of 34 Netherleigh Road, Brampton, Chesterfield.

(b) Notification of Intent to Affect Trees in a Conservation Area

- CHE/17/00221/CA Agreement to the felling of one Ash tree. The felling of the tree will have no adverse effect on the amenity value of the area.
- The felling of 1 Ash tree for Liam Walker Tree Services at 3 Newbold Road, Chesterfield
- The tree is within the Abercrombie Street and the applicant wishes to fell the tree because of damage to the boundary retaining wall.

169 **APPEALS REPORT (P000)**

The Group Leader, Development Management reported on the current position in respect of appeals which had been received.

***RESOLVED -**

1. That the report be noted.
2. That an Enforcement Notice, with a compliance period of 6 months, be served requiring the removal of the unauthorised extension to the rear of 47 Tapton View Road, Chesterfield.

170 **ENFORCEMENT REPORT (P410)**

The Local Government and Regulatory Law Manager and the Group Leader, Development Management submitted a joint report on the current position regarding enforcement action which had been authorised by the Council.

***RESOLVED -**

That the report be noted.

Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	15 MAY 2017
TITLE	DETERMINATION OF PLANNING APPLICATIONS
PUBLICITY	*For Publication
CONTENTS SUMMARY	See attached index
RECOMMENDATIONS	See attached reports
LIST OF BACKGROUND PAPERS	For each of the attached reports, the background papers consist of the file specified in the top right hand corner on the front page of the report. Those background papers on the file which do not disclose exempt or confidential information are open to public inspection at the office of the Group Leader, Development Management – Planning Services. Additional background papers (if any) will be separately listed in the report.

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**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER'S REPORT ON 15 MAY 2017**

- ITEM 1** **CHE/17/00037/FUL – Three new detached dwellings (CMRA Received on 14/03/2017 and revised plans received on 25/04/2017) on land to the rear of The Gables, Netherthorpe, Chesterfield, Derbyshire, S43 3PU for Mr John Capper.**
- ITEM 2** **CHE/17/00182/REM – Reserved matters application for access, appearance, landscaping, layout and scale – Planning application No. CHE/13/00781/EOT – Construction of a use class B2/B8 unit with use class B1(A) office space plus substation, cycle shelter, smoking shelter, associated drainage, landscaping, engineering and access works, parking arrangements and provision of pump house and sprinkler tanks at Plot 13 Markham Vale, Chesterfield, Derbyshire for Henry Boot Developments Ltd.**
- ITEM 3** **CHE/15/00832/FUL AND CHE/15/00843/LBC – Update Report – Listed Building Consent application for restoration and conversion of the Grade II* Listed Walton Works building to ground floor retail units and offices with 26 Apartments above and Mill Terrace to 11 Dwellings with associated parking at Former Walton and Boythorpe Works, off Factory Street and Goyt Side Road, Brampton, Chesterfield, Derbyshire, S40 2BN for Mr Guy Robinson, Robinson plc.**

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Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 15th May 2017

File No: CHE/17/00037/FUL
Plot No: 2/5689

ITEM 1

THREE NEW DETACHED DWELLINGS (CMRA RECEIVED ON 14/03/2017 AND REVISED PLANS RECEIVED ON 25/04/2017) ON LAND TO THE REAR OF THE GABLES, NETHERTHORPE, CHESTERFIELD, DERBYSHIRE, S43 3PU FOR MR JOHN CAPPER.

Local Plan: Unallocated
Ward: Lowgates and Woodthorpe

1.0 CONSULTATIONS

DCC HIGHWAYS	Comments received 07/03/2017 – see report
ENVIRONMENTAL SERVICES	Comments received 20/04/2017 – see report
FORWARD PLANNING	Comments received 28/04/2017 – see report
DESIGN SERVICES	Comments received 22/02/2017 – see report
YORKSHIRE WATER SERVICES	No comments received
COAL AUTHORITY	Comments received 07/03/2017 and 24/03/2017 – see report
HS2 LTD	Comments received 07/04/2017 confirming the site does not fall within the limits of land subject to phase 2B safeguarding direction
SITE NOTICE / NEIGHBOURS	Two letters of representation received

2.0 **THE SITE**

- 2.1 The application site comprises of a parcel of land 0.184ha in area which currently forms part of the extended garden curtilage of The Gables, Netherthorpe.
- 2.2 The site which is located east of Staveley Town Centre, south of Lowgates and accessed off Netherthorpe is predominantly open grassland. It shares a common eastern boundary with a parcel of open space, its western boundary with the railway embankment and it slopes gently from north to south. There is a raised earth bund along the northern boundary which backs onto a vehicle MOT / service garage fronting Lowgates. To the south a shared turning head is formed which was constructed to serve both The Gables and Hollinberries, which are two early 21st Century dwellings.





3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/0188/0048 – Residential development on land at Netherthorpe. Conditional permission granted 16/06/1988.
- 3.2 CHE/0689/0460 - Residential development on land at Netherthorpe. Conditional permission granted 13/09/1989.
- 3.3 CHE/0191/0045 - Outline application for residential development. Refused 11/04/1991.
- 3.4 CHE/1091/0660 - Single detached dwelling house. Refused 16/12/1991.
- 3.5 CHE/0192/0054 - Outline application for single detached dwelling. Conditional permission granted 22/10/1998.
- 3.6 CHE/0500/0287 - Detached four bedroom house with double garage. Conditional permission granted 12/06/2000.
- 3.7 CHE/06/00278/FUL - Detached family dwelling and detached garage. Conditional permission granted 14/06/2006.
- 4.0 **THE PROPOSAL**
- 4.1 The application submitted seeks full planning permission for the proposed erection of three detached dwellings on land which lies to the rear of The Gables, Netherthorpe and currently forms part of the properties extended garden curtilage.

- 4.2 The plans submitted indicate that the development will take access off the existing turning head, where a separate driveway will be created perpendicular to it, to run alongside the side elevation of the property called The Gables on a north – south axis. Driveway parking to The Gables will be retained on the existing driveway in advance of their own double garage.
- 4.3 The proposed site layout illustrates subdivision of the site into three plots which a different house type shown to each plot, though in general the development is for detached two storey properties.
- 4.4 Revised plans were submitted on 25/04/2017 which amended the site layout and house types to reflect comments made by various consultees. The following list of plans / documents form the final application submission:
- 111-1116-T Topographical Survey
 - JC/STAVELEY-PL-001.2 Rev A Plots 2 and 3 Elevations and Floor Plans
 - JC/STAVELEY-PL-001.1 Rev D Plot 1 Elevations and Floor Plans, Proposed Site Plan and OS Plan
 - Coal Mining Report and Coal Mining Risk Assessment

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

- 5.1.1 The site is situated within the built settlement of Staveley / Netherthorpe in an area predominantly residential in nature. Having regard to the nature of the application policies CS1, CS2, CS7, CS8, CS10 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design ‘Successful Places’ is also a material consideration.
- 5.1.2 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:
- a) adhere to policy CS1
 - b) are on previously developed land
 - c) are not on agricultural land
 - d) deliver wider regeneration and sustainability benefits

- e) utilise existing capacity in social infrastructure
- f) maximise walking / cycling and the use of public transport
- g) meet sequential test requirements of other national / local policies

All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.

- 5.1.3 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.

In addition to the above, the NPPF places emphasis on the importance of good design stating:

'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

- 5.1.4 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.

5.2 **Principle of Development / Design and Appearance**

National Planning Policy on Development of Residential Gardens

- 5.2.1 The NPPF specifically excludes private residential gardens within built-up areas from the definition of previously developed land (annex 2: Glossary). Paragraph 53 of the NPPF encourages local planning authorities to consider the case for setting out policies to resist inappropriate development of residential gardens.

5.2.2 The Chesterfield Borough Core Strategy does not include specific policies on the development of residential gardens; instead the primary considerations are policies CS10 in terms of the principal of development, CS1 and CS2 in terms of the location and CS18 in terms of design and impact upon the environment and amenity.

Local Plan Core Strategy

- 5.2.3 Policy CS10 states that “planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or...there is less than a 5 year supply of deliverable sites.”
- 5.2.4 As the council is currently able to demonstrate a five year supply of deliverable housing sites, a strict interpretation of policy CS10 would indicate that planning permission should not be granted for the development of residential gardens or small scale greenfield urban infill plots.
- 5.2.5 However the NPPF is also clear that “Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development” (NPPF para 186). Decisions should be plan-led unless material considerations indicate otherwise and LPAs should apply the presumption in favour of sustainable development when determining development proposals.
- 5.2.6 Policy CS10 must be read in combination with policy CS1, the spatial strategy, which sets out that the overall approach to growth will be to concentrate new development within walking and cycling distance of centres. The site is just within walking distance (approximately 800m) of Staveley Town Centre and is within 500m of the Local Centre and Lowgates. Netherthorpe School is within walking distance as are bus stops on Lowgates with regular services to Chesterfield Town Centre.
- 5.2.7 The aim of CS10 (set out in para 5.34 of the Core Strategy) is to “ensure a supply of housing land that meets the aims of the Core Strategy”. Applying the presumption in favour of sustainable development (set out in paragraph 14 of the NPPF), the development of a single dwelling within the built up area that:
- otherwise meets the spatial strategy and the principles for the location of development set out in policies CS1 and CS2,

- would not directly conflict with, and arguably would support, the intent of policy CS10 (to ensure a supply of housing land that meets the aims of the core strategy)

5.2.8 It is clear that more weight should be given the presumption in favour of development and the aims of policy CS1 in this case.

5.2.9 Having regard to the 'design' principles set out in policies CS2, CS18 of the Core Strategy and the Council's adopted SPD it is considered that the development proposals are appropriately sited as an acceptable infill plot. Furthermore the proposed siting, scale and appearance of the development is commensurate with the character and appearance of the surrounding area. There is evidence of several relatively modern infill development units in the locality (The Gables, Hollinberries, No 22A Netherthorpe and the Cornerpin Close development) which can all be seen from the development site and the architecture being proposed takes cues from these developments as well as the wider locality. The development takes advantage of views over the adjacent playing field, with the plots fronting / backing onto this area; and it is also indicated that the site will compliment where possible established soft landscaping to ensure the development is suitably screened from the outset.

5.2.10 Issues in respect of neighbouring impact and amenity are explored in more detail in section 5.3 below; however in the context of considering the principle of development and the specific design and appearance of the development proposals the application is considered to comply with the provisions of policies CS1, CS2 and CS18 of the Core Strategy, the NPPF and the adopted SPD.

5.3 **Neighbouring Impact / Amenity**

5.3.1 In respect of considering neighbouring impacts / amenity the application site includes as blue land The Gables, Netherthorpe and beyond that to the south is the property called Hollinberries. To the north there is an existing commercial unit on Lowgates which is known as Motorsave Co, which operates as a car sales and service / MOT centre; and to the east and west there are no immediate boundary sharing neighbours but residential properties lie beyond to all aspects.

- 5.3.2 Having regard to overlooking / overshadowing / overbearing impacts the proposed arrangement of the development will mean that The Gables and Motorsave Co will share common boundaries with Plot 1 and Plot 3 respectively. Furthermore the access driveway serving the development will run alongside the gable elevation of The Gables along its eastern boundary.
- 5.3.3 Looking in turn at each relationship, Plot 1 will be positioned adjacent to the rear garden of The Gables. The house type on this plot has been designed such that there are no first floor habitable room windows in the side elevation of the property where it would face the rear garden / rear elevation of The Gables. This ensures that the privacy / private amenity space is protected against adverse overlooking. French doors are illustrated at ground floor to open out on what will form the garden spaces of Plot 1, but this relationship is acceptable and will be suitably screened by a boundary treatment and planting. The Gables will also retain a generous garden length in excess of 18m at its shortest point so there are no adverse issues arising from the relationship between this property and Plot 1 overall. Principle habitable room windows to Plot 1 are positioned in its proposed front and rear elevations which face due east and due west over the shared driveway and playing fields beyond; and the railway cutting.
- 5.3.4 Looking at Plot 3 this property will be positioned sharing its common boundary with the rear boundary of Motorsave Co which is an established commercial unit where car servicing / mot testing takes place. There is potential for the development to be disturbed by the commercial operation taking place, however there is an existing embankment to the rear of the site which offers some protection and the application drawings illustrate retention of such (inc. trees), a new 1.8m high fence and a new hedgerow planted which when mature would offer an appropriate screen. Taking this into account alongside the separation distance between the commercial unit and the proposed dwelling (between 25-30m) it is not this would give substantial cause for concern to the amenity of future occupants.
- 5.3.5 It is noted that the application site will sit adjacent to the route of an existing railway cutting (west) which has been safeguarded as part of HS2 to serve as access into the Service Yard / Depot for HS2 at the former Staveley Works site. Given that this route will not be for passenger trains and lies within a cutting it is presumed that the

route will operate at a lower speed and will not adversely impact the development site by virtue of noise. HS2 were consulted on the application submission but did not raise any adverse comments as the site lay outside of their safeguarding direction. The same route is shown on the adopted proposals map as safeguarded in case it was required as part of the regeneration of the Markham Vale site, so there has been an ongoing expectation that the route could return to active rail use prior to the announcement of the HS2 proposals. The proposals for HS2 have been brought to the applicant's attention and it may be appropriate to specifically condition the need to submit further details of the boundary treatment of this part of the site to ensure that an appropriate boundary is put in place to protect the amenity of future occupiers if the railway line ever come back into use.

- 5.3.6 Having regard to the interrelationship between the 3 no. plots it is considered that the development proposes appropriate levels of private outdoor amenity space, space about dwellings and separation distances commensurate with the guidance of the adopted SPD 'Successful Places'. Overall in respect of the relationship created between new dwellings and surrounding neighbouring properties it is considered that the development proposals comply with the requirements of policies CS2 and CS18 of the Core Strategy, the SPD and the wider NPPF.

5.4 **Highways Issues**

- 5.4.1 The application submission was originally reviewed by the **Local Highways Authority** (LHA) who highlighted concerns about the proposed development including the width of the proposed driveway serving the 3 no. dwellings; awkward manoeuvring space / restricted width from the proposed parking spaces; lack of space for small service vehicles to turn forcing overly long carry distances and potential highway obstruction; and no refuse turning resulting in overly long bin carry distances. As a result the LHA indicated that the scheme as presented at submission was open to highway objections.
- 5.4.2 The applicant was approached to review the concerns raised by the LHA and as a result prepared a revised scheme to look to address the concerns. The amendments were forwarded to the LHA for consideration however at the time of writing this report no further comments had been received.

- 5.4.3 Notwithstanding this however the revisions made to the scheme looked to address the comments made by the LHA and included an increase in the width of the driveway; a facility at the entrance to the new driveway for bin to be sited on collection day; provision on the site for turning of smaller service vehicles (clear of any parking space / manoeuvring); and evidence was also provided in the form of a video showing that the refuse turning on site was not necessary as this clearly showed the refuse collection vehicle reversing up the road to the turning area in advance of The Gables to collect bins.
- 5.4.4 Overall having regard to the revisions which were made it is considered that the development proposals are appropriately laid out, provide appropriate levels of off street parking per plot and demonstrate appropriate access to the highway network. With this in mind it is considered that appropriate planning conditions can be imposed on any decision issued to secure delivery of these measures and therefore the development complies with the requirements of policies CS2, CS18 and CS20 of the Core Strategy in respect of highway safety issues and is acceptable.
- 5.5 **Drainage / Flood Risk**
- 5.5.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7), it is noted that the application site lies within flood risk zone 1 and therefore is unlikely to be at risk from fluvial flooding. In respect of drainage, the application details that the development is to be connected to existing mains drain for foul and surface water will be directed to soakaway.
- 5.5.2 Both the Councils **Design Services (DS)** team and **Yorkshire Water Services (YWS)** have been consulted on the application proposals, however YWS have not provided any comments / response to the proposals. The DS team have requested that percolation testing is carried out to demonstrate that the land conditions are appropriate for the proposed handling of surface water drainage by sustainable and that this meets the Council's minimum drainage standards.
- 5.5.3 An appropriate planning condition can be imposed on any decision issued to ensure more detailed drainage details are submitted for further consideration and approval.

5.5.4 Given the scale of the development proposals (minor application) the **Lead Local Flood Authority** will not comment on the application.

5.6 **Land Condition / Contamination / Noise**

5.6.1 The site the subject of the application is currently a combination of garden/undeveloped open land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.

5.6.2 The Council's **Environmental Health Officer (EHO)** was consulted on the application and the following comments were received:

'I've had a look through the application, and the history of the site. There is, for a section of the site, a possibility of contaminated land from past usage (the adjacent railway workings and the former Staveley power station with the likelihood of residual contaminants). With that in mind, I'd certainly like the contaminated land condition and restrictions on hours of work, due to nearby dwellings.'

5.6.3 In respect of land condition the **Coal Authority (CA)** were consulted on the application submission and initially objected to the application submission, due to the absence of an accompanying Coal Mining Risk Assessment (CMRA). The applicant subsequently sought for a CMRA to be prepared and this was submitted on 14/03/2017 for re-consideration. The following comments on the CMRA were received from the CA:

'The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.'

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.'

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- * The undertaking of the scheme of intrusive site investigations as identified in section 4 of the Coal Mining Risk Assessment (subject to agreement with The Coal Authority's Permitting Team);*
- * The submission of a report of findings arising from the intrusive site investigations;*
- * The submission of a scheme of remedial works for approval; and*
- * Implementation of those remedial works.*

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.'

5.6.4 Having regard to the comments detailed above from the EHO and the CA appropriate conditions can be imposed to this effect, if permission is granted, to ensure compliance with policy CS8 of the Core Strategy and the wider NPPF in respect of noise, land condition and contamination.

5.7 **Community Infrastructure Levy**

5.7.1 Having regard to the nature of the application proposals the development comprises the creation of a new dwelling and the development is therefore CIL Liable.

5.7.2 The site the subject of the application lies within the low CIL zone and therefore the CIL Liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

	New GIF (sqm)	Calculation	Total
Plot 1	146.2sqm	146 x £20 (index linked)	£2,920
Plot 2	158.8sqm	159 x £20 (index linked)	£3,180
Plot 3	169.8sqm	170 x £20 (index linked)	£3,400
Total			£9,500

5.7.3 The developer has however indicated that they will be applying for self-build exemption on the proposals, but this will be a matter to be handled by the CIL Officer post decision.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 13/02/2017 and by neighbour notification letters sent on 09/02/2017.

6.2 As a result of the applications publicity there has been two letters of representation received as follows:

22B Netherthorpe

We have one major concern regarding the planning application which is the number of extra vehicles which are allowed for in the plans which will need to use the only route into and out of the Netherthorpe;

Netherthorpe is smothered with houses already and this is made infinity worse by the building of Corner Pin Close. This could now be used by another 12/13 vehicles if three new builds take place; The road is narrow, particularly near Corner Pin Close, and traffic can get busy. Especially accessing Deatons scrap yard and there are many drivers who could drive slower and with more care; and Cars parked on the highway, the narrow road and poor visibility make this an accident waiting to happen.

Officer Response: It is acknowledged that the junction of Netherthorpe leading up to the turning head in advance of The Gables and the application site is tight and therefore construction traffic will need to take extra care when servicing the development. Notwithstanding this it is not considered that the introduction of vehicle movement associated with 3 additional dwellings will make the situation infinity worse such that planning permission could be refused on this basis. The Highways Authority has not raised any objections to the development on the basis of highway access being compromised.

11 Cornerpin Close

I write with my concerns about the application for 3 houses to the rear of the gables and I understand the proposal will be accessed via Ralph Road (inc. diggers and haulage lorries etc); I am aware the building of 3 houses is not going to be an overnight job and these lorries will run past the front and side of my house, which is located on the corner of Cornerpin Close. I work nights so need to sleep until about 10am and this disturbance will affect me and my income, as I won't be able to work a full night shift; and I am also concerned about the loads of muck, earth etc from the development which will make a mess of the road as it comes off site. I would appreciate if access could be moved or at least restricted until after 10am. Also I would like them to make sure the road is kept clear.

Officer Response: It is acknowledged that new development can created a degree of noise and disturbance to nearby neighbours during the construction works phase, however this is usually short term. The Council are able to impose a construction works condition which restricts the hours of work in residential areas but this is a standard set of hours and therefore the Council cannot reasonably adjust this to suit a specific neighbour's work pattern. Any developer has a duty to ensure that mud and dirt is not carried onto the public highway and this control is covered by the Highways Act 1980. The developer is responsible for clearing up any such mess they may create.

7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.
- 7.4 Whilst, in the opinion of the objector, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

8.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 **CONCLUSION**

9.1 The proposals are considered to be appropriately designed having regard to the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. As such, the proposal accords with the requirements of policies CS2, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

9.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9 and CS10 of the Core Strategy and the wider NPPF in respect of drainage, flood risk, land condition and contamination.

10.0 **RECOMMENDATION**

10.1 That a CIL Liability notice issued as per section 5.7 above;

10.2 That the application be **GRANTED** subject to the following conditions/notes:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.

02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.

- 111-1116-T Topographical Survey
- JC/STAVELEY-PL-001.2 Rev A Plots 2 and 3 Elevations and Floor Plans
- JC/STAVELEY-PL-001.1 Rev D Plot 1 Elevations and Floor Plans, Proposed Site Plan and OS Plan
- Coal Mining Report and Coal Mining Risk Assessment

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.

Drainage

03. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason - To ensure that the development can be properly drained and In the interest of satisfactory and sustainable drainage.

04. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason - To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

Site Investigations

05. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues and contamination on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the remediation / stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

Reason - To fully establish the presence and / or otherwise of any contamination and / or coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site.

Contamination / Noise

06. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.
- I. A desktop study/Phase 1 report documenting the previous land use history of the site.
- II. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
- III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.
- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written

approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

- C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.

07. Construction work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason - In the interests of residential amenities.

Highways

08. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason – In the interests of highway safety.

09. The premises the subject of the application shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason – In the interests of highway safety.

Others

10. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. The hard landscaping scheme shall take account of any root protection areas to retained trees / hedgerows on site and may require alternative measures of construction and finishes to be considered. Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.

11. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.

Reason - In the interests of the amenities of occupants of adjoining dwellings.

12. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

Reason - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.

13. No removal of buildings, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of buildings and vegetation for active birds' nests immediately before the building is demolished / vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.

14. In the event it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source and analysed in a MCERT certified laboratory, the results of which shall be submitted to the Local Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.

Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.

02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.

Highways

03. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
04. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action.
05. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
06. The following clause shall be included in the deeds of the dwellings to ensure that at no time will adoption of any part of the access road be sought:
"The lessee or purchaser shall not at any time, either alone or jointly with others, seek adoption of any part of the driveway intended to serve the development as a highway

maintainable at the public expense, it being the intention that same shall at all times remain private up to the point where the same abuts Newbold Road.

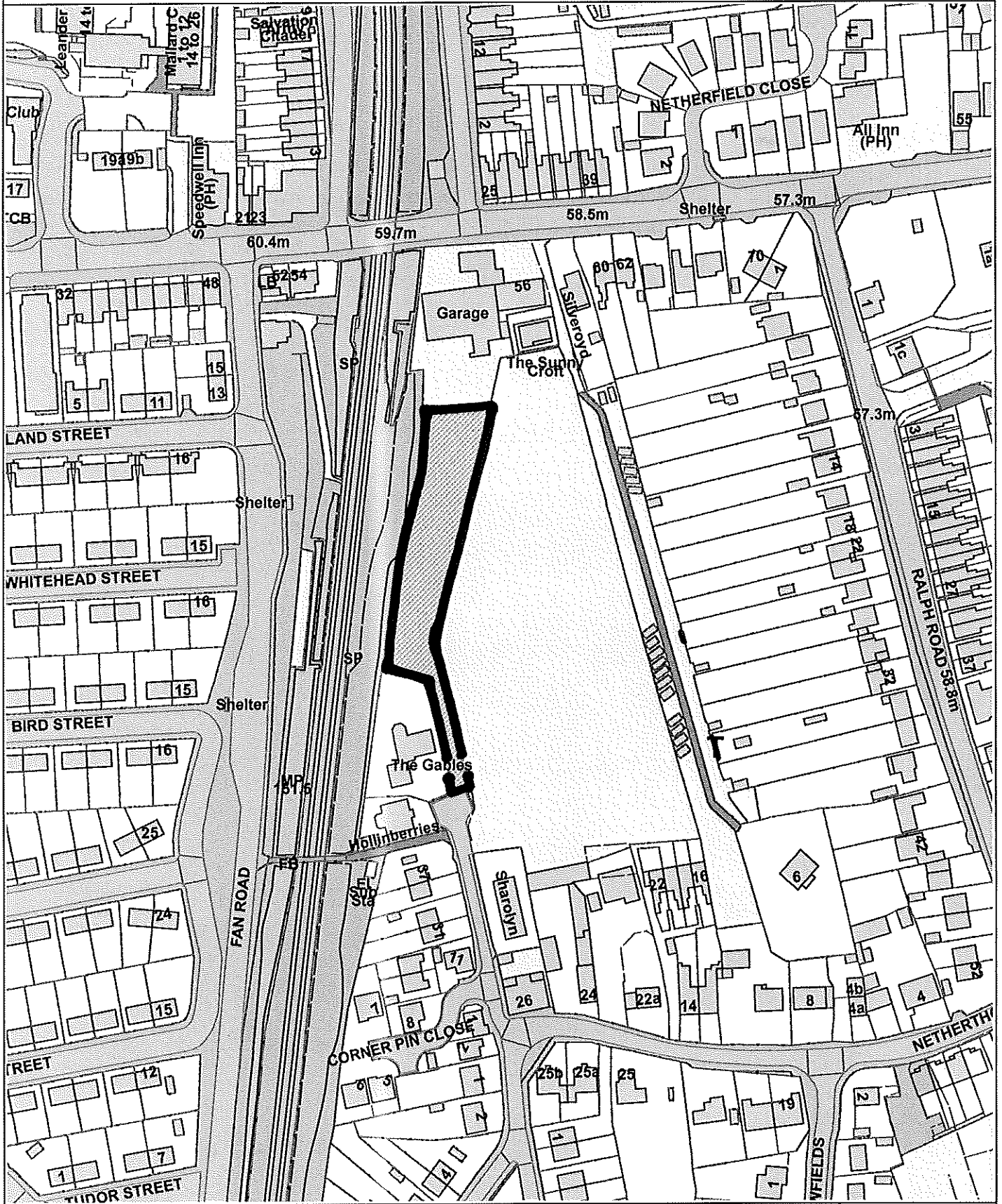
07. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp

Others

08. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.

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PLANNING COMMITTEE - CHE/17/00037/FUL - THE GABLES



CHESTERFIELD
BOROUGH COUNCIL

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Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 15th May 2017

File No: CHE/17/00182/REM
Plot No: 2/2404

ITEM 2

**RESERVED MATTERS APPLICATION FOR ACCESS, APPEARANCE,
LANDSCAPING, LAYOUT AND SCALE - PLANNING APPLICATION NO.
CHE/13/00781/EOT -CONSTRUCTION OF A USE CLASS B2/B8 UNIT WITH
USE CLASS B1(A) OFFICE SPACE PLUS SUBSTATION, CYCLE
SHELTER, SMOKING SHELTER, ASSOCIATED DRAINAGE,
LANDSCAPING, ENGINEERING AND ACCESS WORKS, PARKING
ARRANGEMENTS AND PROVISION OF PUMP HOUSE AND SPRINKLER
TANKS AT PLOT 13 MARKHAM VALE, CHESTERFIELD, DERBYSHIRE
FOR HENRY BOOT DEVELOPMENTS LTD**

Local Plan: Unallocated
Ward: Lowgates & Woodthorpe

1.0 **CONSULTATIONS**

DCC Highways	Comments received 23/03/2017 – see report
Environmental Services	Comments received 23/03/2017 – no adverse comments to make
Design Services	Comments received 07/04/2017 – no objections subject to the development connecting to the site wide SuDS scheme
Yorkshire Water Services	Comments received 04/04/2017 -raising no objections
Bolsover District Council	Comments received 24/03/2017 -noting the application is the same as a development already approved on plot 15
Derby & Derbyshire DC	Comments received 04/04/2017- raising no

Archaeologist	objections
HS2 Ltd	Comments received 02/05/2017 – no objections
Ward Members	No comments received
Site Notice / Neighbours	Six letters of representation received

2.0 **THE SITE**

2.1 The site the subject of the application lies within the development platform of Plot 13 (as varied and approved by app. CHE/15/00291/REM1), which forms part of the wider Markham Vale Regeneration Area known previously as MEGZ. The site is approximately 9.02 hectares in area and is the north western plot of the Seymour Junction development phase (Phase Vb), which lies south of Woodthorpe village and north of the M1.

3.0 **RELEVANT / ASSOCIATED SITE HISTORY**

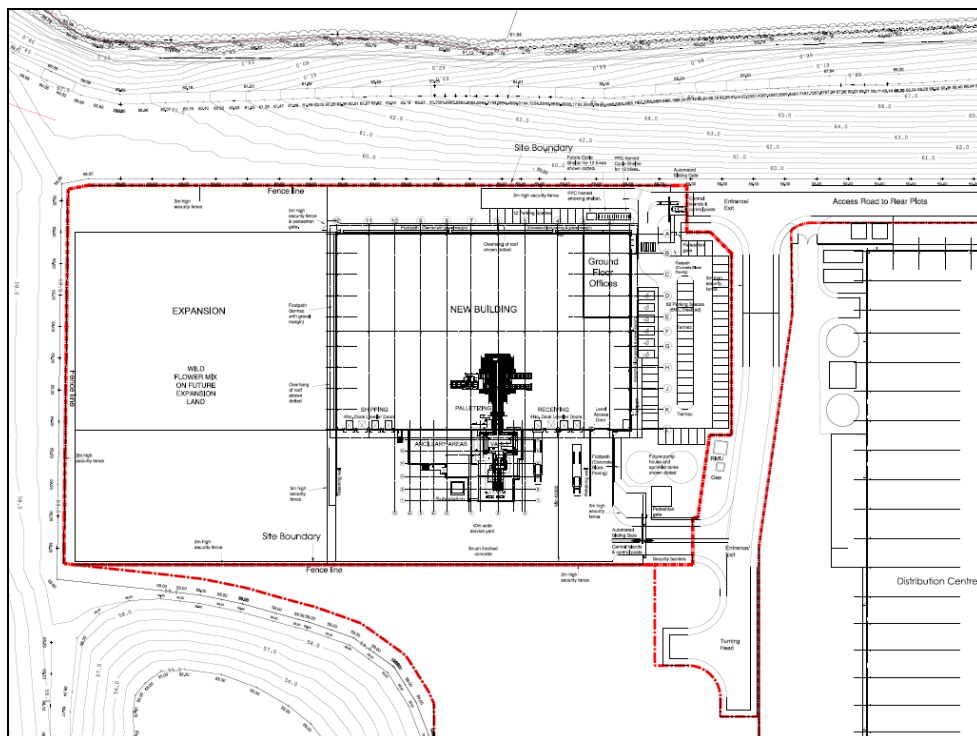
- 3.1 CHE/0502/0312 - Commercial (not major retail), office, industrial and warehouse development; new and altered road (including a new motorway junction); land reclamation, ground re-modelling, drainage, landscaping and re-use of railheads on 360 hectares of land in Bolsover, Staveley, Sutton-cum-Duckmanton on both side of the M1 in the vicinity of the former Markham Colliery, A632 (Chesterfield Road), Erin Road, Lowgates, Eckington Road, Hall Lane and the A619 south of Staveley at land off Chesterfield Road, Erin Road, Lowgates and Eckington Road. Approved 16/05/2005.
- 3.1.1 CHE/09/00778/REM1 – Variation of Condition 21 of Planning Permission CHE/0502/0312 (MEGZ). Approved 23/04/2010.
- 3.1.2 CHE/13/00014/REM1 – Variation of conditions 7, 11, 20, 21, 47, 49 and 50 of CHE/0502/0312 (Markham Vale). Approved 24/09/2013.
- 3.2 CHE/13/00781/EOT – Extension of time to CHE/0502/0312. Approved on 12/05/2014

- 3.2.1 CHE/15/00291/REM1 - Variation of conditions 6, 7, 9, 13, 18, 20, 21, 31, 32, 34, 37 and 39 of CHE/13/00781/EOT. Approved 17/11/2015.
- 3.3 CHE/15/00645/FUL - Erection of a warehouse and distribution unit (class B8), associated office accommodation, cycle shelter, smoking shelter, pump house and gatehouse with associated site levelling, parking and landscaping revised plans received on 25/11/2015 and 26/11/2015 on Plot 14 Markham Vale. Approved 08/12/2015.
- 3.4 CHE/16/00175/FUL - development of an industrial unit for class B8 purposes with ancillary office space, gatehouse plus car parking lorry parking, service yard & sprinkler tanks with assoc. site access, drainage, site levelling, engineering and landscaping works at Plot 13 Markham Vale. Approved 18/05/2016.
- 3.4.1 CHE/16/00797/REM1 - Variation of conditions 2, 3, 5 and 6 of CHE/16/00175/FUL. Approved 16/02/2017.
- 3.5 CHE/16/00464/FUL - Construction and laying of hardstanding for HGV parking and servicing areas with associated infrastructure and engineering works (revised plan received 08/09/2016). Approved 08/09/2016.
- 3.6 CHE/17/00196/DOC and CHE/17/00290/DOC – Discharge of condition 27 and 28 (Re: Landscaping and Management) of CHE/13/00781/EOT. Still pending consideration.

4.0 **THE PROPOSAL**

- 4.1 This is an application which seeks reserved matters approval for the proposed, 'Construction of a Use Class B2/B8 unit with Use Class B1(a) office space along with substation, cycle shelter, smoking shelter, associated drainage; landscaping; engineering; and access works; parking arrangements, and provision of pump house and sprinkler tanks.'
- 4.2 The application submission is supported by the following list of drawings and documents:
6037-046 Site Location Plan
6037-047A Site Plan Existing
6037-038A Building Plan

6037-039 Office Plans
 6037-040A Building Elevations and Typical Cross Section
 6037-041A Vault Layout Plans
 6037-042 Vault Sections
 6037-045B Alternate Site Plan
 6037-048 Roof Plan
 6037-049 Alternate Site Sections
 6037-050A Building Elevations and Typical Cross Section
 (Completed Development)
 6037-110A Cycle / Smoking Shelter and Fence Details
 BIM-BWB-HDG-15-DR-DR-D-500 S1 Rev P1 Proposed Drainage
 Strategy
 BIM-BWB-HDG-15-DR-D-501 S1 Rev P1 Proposed Drainage
 Strategy Foul Drainage Route Sheet 2
 BIM-BWB-HGN-15-DR-D-SK10 S1 Rev P1 HGV and Large Car
 Tracking
 Design and Access Statement prepared by WYG dated March
 2017
 Travel Plan prepared by BWB dated 10 March 2017.



- 4.3 The proposed Use Class B2 element is for the sterilising of medical products through the use of Gama sterilisation technology. The process of sterilising involves:
- Unprocessed products received at the facility on pallets and stored in the unprocessed warehouse.

- Pallets of unprocessed products are transferred to a conveyor handling system that transports the products into the irradiator to the source and back out again on the other side.
- Pallets of processed products treated to the desired Sterility Assurance Level (SAL) are stored in the processed warehouse.
- Processed products are shipped to the customers.

- 4.4 This reserved matters application will provide a new unit which comprises 6,686.2sqm of floorspace. The amount of floorspace proposed will comprise as follows:
- Ground Floor of development 6,083.3 sqm
 - Vault and Ancillary 216.1 sqm
 - Future First Floor Offices 387.8 sqm
- 4.5 The external layout of the site is shown on Drawing No.6037-045B accompanying the reserved matters submission. The building sits along the northern part of the site, with the service yard to the south of the building. The main car park is situated to the front of building's eastern elevation.
- 4.6 The proposal includes two site access points are providing access to the main parking area and reception of the building and a second access to the service yard for HGVs. The proposed HGV access will be secured by gates as shown on drawing 6037-045B. The proposed accesses are on the eastern edge of the site from the internal access road serving the plot.
- 4.7 The main entrance to the building is located in the north eastern corner of the proposed unit. It provides access to the proposed ground floor office space via a dedicated pedestrian access from the main car park area. A total of 74 car parking spaces, including 6 disabled spaces, will be provided on site together with a cycle shelter. The site boundary will be secured by a 3m fence. The typical fence details and details for the proposed cycle shelter are shown on Drawing No.6037-110A.
- 4.8 The internal layout of the building is shown on Drawing No. 6037-039 and 041A. The building will include ground floor offices, leading from the main reception area, together with meeting rooms, store rooms and a server room. The ground floor will also include WC facilities and kitchen area. The current phase of development will not include the first floor office area shown on

Drawing No. 6037-039. The first floor offices will be provided at a later stage when required by the occupier.

- 4.9 The internal layout for the B2/B8 operation of the proposed building is shown on Drawing No. 6037-038A. The layout includes storage (Use Class B8) to the rear of the ground floor offices, with the cleaning process (Use Class B2) situated along the southern aspect of the main warehouse area. This operation includes vault; ancillary areas; breakroom/drivers reception; and equipment room. The proposed roof design is shown on Drawing No.6037-048.
- 4.10 The height for the proposed warehouse is 10.9m to top of ridge. The overall height of the Vault building is 12.2m, with the extraction flue extending circa 3m above the roof.

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background & Principle of Development**

- 5.1.1 Since granting outline planning permission in in 2005 and the adoption of the 2006 Local Plan the land the subject of the MEGZ permission was allocated as a proposed employment development site. Since then the policy framework has seen a number of key changes including publication of the National Planning Policy Framework (NPPF) in 2012 and in July 2013 adoption of the Chesterfield Local Plan: Core Strategy. The Markham Vale Design Framework (MVDF) has also now been in place since April 2008 and the site became part of the Sheffield City Region Enterprise Zone in April 2012.
- 5.1.2 In assessing proposals the subject of this application for full planning permission regard must be had primarily to policy PS4 of the Core Strategy. Regard must also be had to the objectives of the NPPF to “support sustainable economic growth” (para. 17 & 19) and that plans “should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing” (para 21). Policies CS1 (Spatial Strategy) and CS13 (Economic Growth) of the Core Strategy also seek to support economic regeneration and facilitate inward investment.

5.1.3 The principles of Policy PS4 are clearly met having regard to the nature of the development hereby proposed, which assists to deliver the principal objectives of Markham Vale. The development will create jobs, support regeneration and adhere to the guidelines of the MVDF. Furthermore in regard to Policy CS13 the development is located in area purposely regenerated for new employment development, will deliver inward investment and in respect of largescale B8 uses comply with criteria d) of the policy. The principle of development is considered to accord with the provisions of policies CS13 and PS4 of the Core Strategy.

5.1.4 Having regard to the detailed material issues set out in turn below Policies CS7, CS9, CS18 and CS20 of the Core Strategy are also considered to apply.

5.2 **Design / Appearance Considerations**

5.2.1 Having regard to the relevant siting, scale, mass and appearance considerations the development proposals should be considered against the context and parameters as set out in the MVDF; which includes therein parameters in respect of Plot 13 and Phase VB of Markham Vale. The development proposals should also be considered in the context of planning permissions CHE/13/00781/EOT and CHE/15/00291/REM1, whereby amendments specifically relating to the strategic infrastructure, layout and levels of the development plots of Phase VB of the Markham Vale (inc. Plot 13) were amended; as well as the two subsequent planning permissions for plot 13 CHE/16/00175/FUL and CHE/16/00464/FUL.

5.2.2 Pages 143 - 152 of the MVDF detail both on plot and off plot parameters for the development of Phase VB and it is considered that the proposal is generally in accordance with the terms of the outline planning permission as varied and the MVDF. A maximum building height of 20m is stipulated within the MVDF for Plot 13 and the development proposed falls well within these parameters, incl. the vault building and extraction flue (Circa 13.9m high in total).

5.2.3 Whilst the colours of the cladding are not strictly in accordance with the palette in the MVDF they are of similar hues and reflect modern products with a longer guarantee period. In this respect it is considered that the colours as proposed are similar to the MVDF

palettes as 'modernised', are acceptable and have been readily accepted and already used elsewhere at Markham Vale.

- 5.2.4 The building has been orientated such that the service area and vault location are located on the southern elevation facing away from Woodthorpe. A number of residents have raised concerns about the fact that the access road from the roundabout on the new Seymour Link Road runs along the northern boundary of Plot 13 to serve this site; however the MVDF has always indicated that service areas for development on this Plot would be located on the northern and north western edge of the built footprint. It is in fact considered that in orientating the building in the manner proposed this improves the relation of this development to the local residents.
- 5.2.5 Alongside the outline planning permission conditions were imposed which required off plot landscaping enhancements to screen and protect wider views of the development site from surrounding residential settlements inc. Woodthorpe. The embankment along the northern boundary of Plot 13 was re-engineered as part of the amendments to Phase VB agreed under the S73 application; however the exact landscaping details of this embankment and the wider phase are yet to be agreed and implemented. It is considered that the visual impact to neighbouring residents will be minimised by the on and off-plot landscaping, however as no specific details of on-plot soft landscaping are provided (other than areas to be planted) these can be required by condition. These details will be considered alongside current DOC applications submitted to the Council separately. Similarly there are no external lighting details or pump house and sprinkle tank details submitted with the application submission therefore it will be necessary to require approval of these details by condition.
- 5.2.6 Concerns have been raised by local residents with regard to the sterilisation process which is proposed to take place within the building, as well as the type of materials and the means by which the process will take place. Notwithstanding this the use proposed falls within a B2 'General Industrial' process and therefore the Local Planning Authority have no control beyond this to further control the details of the process taking place. This is a controlled by separate legislation by the Health and Safety Executive.

- 5.3 **Technical Considerations (inc. Drainage, Flood Risk, Land Condition, Archaeology and Ecology)**
- 5.3.1 The Council is aware that alongside the original outline planning permission and the S73 condition amendments to Phase VB considered under app. ref CHE/15/00291/REM1 the development platforms and many of the off-site strategic infrastructure works are well underway / already complete. This includes alterations to the alignment of Hawks Brook (south of Plot 14) already approved by the Lead Local Flood Authority (LLFA) and a site wide surface water drainage strategy comprising of infrastructure forming phased balancing ponds with discharge connection to the Doe Lea water body.
- 5.3.2 In respect specifically to the proposals the subject of Plot 13 the development proposals will be connected to the site wide infrastructure which has already been designed and implemented to accommodate development on Phase VB and this is reflected in the drainage details prepared by BWB accompanying this reserved matters application.
- 5.3.3 Both the Design Services (DS) team and Yorkshire Water Services (YWS) have reviewed the latest application submissions details and both have confirmed acceptance to the drainage proposals.
- 5.3.4 No adverse issues have been raised by either the Environmental Health Officer (EHO) or the County Archaeologist in respect of land condition, contamination or archaeology as all these matters have been addressed under the outline permission or subsequent S73 applications in preparing Phase VB for development. Furthermore the Coal Authority have not been consulted on the application as it is for reserved matters approval and any issues in respect of coal mining legacy and necessary remediation have already been agreed and implemented by during site preparation.
- 5.3.5 In respect of ecology as part of the wider extant Markham Vale outline planning permission annual ecological surveys have been undertaken by the developer for each Phase / Plot of Markham Vale which are subsequently reviewed and agreed by the Local Planning Authority by way of planning condition.

5.3.6 On 26/09/2016 Derbyshire Wildlife Trust agreed the scope of the latest 2015 surveys and therefore it is considered that the surveys appropriately address matters concerning potential ecological interest on site. In addition to this the Council's (CBC and BDC) are currently considering discharge of conditions applications for condition 27 and 28 of the outline planning permission which relate to off plot landscape and ecological management plans for strategic landscaped area. These DOC applications are still pending but look to address requirements of the outline permission and MVDF concerning landscaping of Phase VB.

5.4 **Highway Considerations**

5.4.1 The Local Highways Authority have reviewed the application and provided the following comments:

'No objection subject to adequate off street parking and manoeuvring space being provided prior to development being bought into use and maintained clear of any obstruction to their designated sue for the life of the development.'

5.4.2 The application submission details that 74 car parking spaces are to be provided as part of the development for 6686sqm of development (which includes future office expansion) and therefore having regard to the standards set in the Core Strategy (1 space per 180sqm B2 / B8 and 1 space per 25sqm B1) there will be a slight over provision of parking which is considered to be acceptable.

5.4.3 The site layout plan submitted shown that parking will be provided clear of the operational service yard.

5.4.4 The LHA did not comment specifically on the Travel Plan which was submitted alongside the application as a requirement of the outline planning permission; but it is noted that this document follows the proforma which has been typically seen with other reserved matters submissions for Markham Vale. The recommendations of the Travel Plan are noted.

5.4.5 Overall it is considered that the development proposals accord with the highway requirements of policies CS18, CS20 and PS4 of the Core Strategy; as well as with the parameters of the outline planning permission and MVDF. Where it is necessary appropriate

planning conditions can be imposed to secure the provision of parking and turning areas and implementation of the Travel Plan.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 27/03/2017; advertisement placed in the local press on 06/04/2017; and forty five neighbour notified letters were sent on 20/03/2017.

6.2 As a result of the application publicity six letters of representation have been received as follows:

19 Bridle Road

The application is for land less than 300m from the rear of my property and I consider a dosimetry lab plus vault dealing with microbiotics, nuclear, nuclear physics researching and possibly processing is too close to public dwellings and schools. I cannot find an environmental or risk study for any impact this will have? What will happen for any leakage of material? What materials are going to be stored in the vault of the size suggested on plan? It is large.

There will be more light pollution due to security floodlighting, more noise pollution with vehicles reversing, coupling trailers, fridge trailers – all to add to those already consent for the Great Bear unit.

The bund which was destroyed then rebuilt is not fit for purpose it is not high enough to protect dwellings from the noise and terrible blight. Perhaps the planning team would like to pay a visit to the rear of my property and garden to see for themselves. I have informed Peter Storey and Paul Staniforth of this and both said it would have little impact – sadly I have been proven correct. The planning team need to listen to local opinion regarding health, safety and environmental impacts this redevelopment is having on Woodthorpe.

19 Bridle Road

I feel I must raise my concerns and objections regarding the planning application in view of certain things which have come to light over the past few days.

The development already being erected on plot 13 is causing an adverse visual impact without adding another building to the equation. I was under the impression this plot was already built

out. The bund has been stripped of trees and shrubs and is now totally inadequate providing no protection to Bridle Road.

We will experience noise pollution from HGVs reversing, cars arriving / departing, noise from extractor fans, pumps and opening / closing of bays and this is in addition to noise from other business on plot 13 when in full operation.

Light pollution from direct and reflected light spillage will affect our daily lives.

We will experience air pollution and noise and dust has been a major problem since construction began on plot 13. We have already made the Environmental Health Officer and our local Councillor aware of this.

May I ask exactly what will be distributed into the air from the proposed Dosimetry Laboratory and Vault should permission be granted? Can someone also inform me what radioactive materials will be used and stored? Have the HSE been asked for their opinion on such a facility being so close to housing. I feel very strong consideration should be given to the fact the land had previously suffered mining subsidence and the ground should move again will the vault be safe? I am also puzzled why planning approval has been sought for plot 13 when this development has already been granted on Plot 15 by Bolsover District Council. Plot 15 is a better choice as it is further away from dwellings. If the proposed dwelling is to house radioactive materials and microbiocidal materials as the word dosimetry suggests then it is too close to residential properties and 3 local schools within our vicinity.

Our properties have recently suffered blight due to the indecisiveness of HS2 and now this proposal and a 'spectacular' view of multi coloured industrial estate from our property and gardens will only add to the blight.

15 Bridle Road

It came as a considerable surprise to see another application for plot 13 as the Council has already agreed that this plot is developed out. It appears the proposal could not be accommodated on any of the remaining sites; it would have been more professional to refuse the application. Is this the reason the plot was enlarged, even though the B1, B2 and B8 allocations stayed the same? Presumably an EIA was carried out before this took place. The plot size is irrelevant, the development relies solely upon the approval given for the development area shown in the

Planning report and the document relied upon in court, which is 16.76ha gross for plot 13.

Steve Beard twice warned the developers about the serious consequences of overdevelopment on any of the plots. Allowing overdevelopment on one plot will mean that other plots cannot be fully developed under this approval. It will also be impossible to refuse permission when this occurs again – just like the height increase of the buildings. More importantly it reduces the area restored to amenity and woodland which is totally unacceptable. The planning committee need to be convinced that an area 32.9ha in area will be restored to woodland and amenity prior to considering over development on plot 13. Particularly as the developer is quick to destroy but slow to restore. Have the Council satisfied themselves that further environmental degradation has not occurred as a result of the plot enlargement? Any material alterations to the layout could have an impact which has not been assessed by that process;

The TP submitted with this application seeks to encourage the use of alternative sustainable modes of transport. As this site is situated in a remote area, walking and cycling is unlikely to be an option. The nearest bus stop is almost a mile away and even with the new access road the site is a considerable distance from the main road network, therefore use of private car is likely to be preferable.

It will have a detrimental impact on both the setting of Bolsover Castle and the landscape character by further urbanisation of open countryside. The reason for the destruction of the northern bund has never been explained despite what is said in the Design Framework about planting. The bund was species rich and should have been protected. The replacement bund is a great deal lower, meaning that the new development is highly visible. All flora and fauna on plot 13 has been destroyed. This land should have been developed sensitively and both the Council and developer are equally to blame for the environmental damage.

One has to wonder if WYG ever consider how ridiculous some of their statements are?

Access to the site will be via the internal access road on the northern boundary, however we were assured this road was to be used for emergency access only which would have been acceptable. Recent ecological surveys shown the northern mound is being used as a bat flight path and as such lighting should be avoided.

The NPPF requires development to reduce the need to travel, reduce greenhouse gases and integrate new development into to the natural, built and historic environment. English heritage still maintain their objection to this development on the grounds of visual impact on Bolsover Castle and concern about the increase in massing and bulk of development stating warehousing cannot be regarded as a sustainable form of development.

15 Bridle Road

Further to my letter previously it now appears that many details about this application were not public knowledge and it has taken some time to uncover the truth.

The D&AS states that the scale of the development could not be accommodated on Phase IV and whilst this may be true what it doesn't say is that this development already has planning approval on plot 15 from Bolsover District Council – this is mentioned in their comment to CBC but I am told at the time of making this comment they were not aware that it was the same development.

It appears that neither Chesterfield nor Bolsover have influenced or had any part in this decision to move the development from plot 15 to plot 13. It is obvious these details were not revealed during the pre-application discussion with Chesterfield and therefore there was a clear intent to deceive.

It appears that the developer is trying to overdevelop plot 13 in order to free up plot 15 for a much larger development.

Considering how unprofessional the developer has handled these applications the Council should not hesitate to reject the planning application.

27 Bridle Road

My objections to the application are set out as follows:

Increase in noise pollution – the close proximity and subsequent running of the proposed site will cause great disturbance to me both during construction and once operational. The current building project CHE/16/00175/FUL is already incredibly noisy and I do shift work this affects my sleep and health. When both units are running together 24/7 I fail to see the positive effects this will have on me and my neighbours wellbeing.

Negative visual impact – There is already a very large building being erected close to my property and I do not wish for there to be another one as this will add to the fact that my home will be hemmed in by an industrial site where it was

once countryside. Both Woodthorpe and my home / farm have always benefited by having the look / feel of a countryside village but if approved it will become an unsightly place.

Light pollution – By adding another building to Markham Lane in the proposed location will only add to further artificial light pollution. It will be floodlit during the day and night and the throughout will upset wildlife, the local villagers and myself. It will resemble a city not a countryside village.

I would also like to draw to your attention the plans which show a vault with thick walls. I have concerns that this will contain some form of radioactive substance. I would like an explanation of its intent and of safety measures;

I am extremely distressed, concerned and saddened by this proposal and I feel concerns and objection put forward by those in the village were ignored;

I and my fellow villagers have been blighted by the looming threat of HS2 and now we face this new blight 'The Markham Employment Growth Zone'; and

I would appreciate a swift response in writing to all my concerns herein to my address.

25 Bridle Road

I am deeply concerned about the Planning Services apparent lack of interest in the environmental impacts on the residents of Bridle Road caused by this development.

As far as I can see from the website there is no environmental impact statement as such.

I hope that the information submitted with app. CHE/16/00175/FUL is not still being used as this is incomplete at best, at worst inaccurate.

My major concerns are:

- noise pollution – vehicle reversing alarms, compressors, extractor fans, pump noise and vibration;

- visual impact – the buildings in the application will not be visually attractive viewed from the close proximity of our residential properties;

- light pollution – direct and reflected security light spillage;

The landscaped banking is now not of sufficient height to prevent noise and light pollution from impacting on the residents of lower Bridle Road (No's 23, 25 and 27). Also the adverse impacts are far greater than envisaged due to the lack of height of all the banking.

Also can I ask has one from the Council been to Woodthorpe and Bridle Road in particular recently to assess the impact this development is having?

P.s I also find it disconcerting that the Environmental Health Officer had no comments, adverse or otherwise, to a nuclear installation being constructed with no reference to which regulatory conditions it will comply with!!

6.3 **Officer Response:**

Please see sections 5.1, 5.2, 5.3 and 5.4 of the report above for specific responses concerning planning policy, neighbouring impacts, highways impacts and technical considerations.

It is considered that the development proposals fall within the parameters of the outline planning permission and therefore the development can be submitted as a reserved matters application. EIA was undertaken at the outline stage and remains valid against all reserved matters proposals.

A number of objections raise concerns about the industrial process which is proposed by the future operator of the development. This is not a material planning consideration and the process and materials used therein are controlled by separate legislation.

It is not clear why an objector believes they know the facts about any pre-application discussions held between the developer and the planning department as these are private and confidential. Notwithstanding the opinions expressed about the developers motives for applying for a development already approved on a different plot, each application must be assessed on its own individual merits.

7.0 **HUMAN RIGHTS ACT 1998**

7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary

- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

7.4 Whilst, in the opinion of the objector, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

8.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 **CONCLUSION**

- 9.1 The proposal is considered to be in accordance with the outline consent (CHE/0502/0312 and CHE/13/00781/EOT) and the approved Markham Vale Design Framework. The proposals are considered to be acceptable having regard to their location and their siting relative to the surrounding commercial premises and wider neighbouring residential settlements. It is considered that access serving the proposed development can be ascertained from the established highway network without detriment to highway safety. The proposal is therefore considered to be in accordance with the development plan, in particular policies CS2, CS13, CS18, CS20 and PS4 of the Chesterfield Local Plan: Core Strategy and the wider National Planning Policy Framework.

10.0 **RECOMMENDATION**

- 10.1 It is therefore recommended that the application be **GRANTED** subject to the following conditions:

01. All external dimensions and elevational treatments shall be as shown on the approved plans / reports (listed below) with the exception of any approved non material amendment.
- 6037-046 Site Location Plan
 - 6037-047A Site Plan Existing
 - 6037-038A Building Plan
 - 6037-039 Office Plans
 - 6037-040A Building Elevations and Typical Cross Section
 - 6037-041A Vault Layout Plans
 - 6037-042 Vault Sections
 - 6037-045B Alternate Site Plan
 - 6037-048 Roof Plan
 - 6037-049 Alternate Site Sections
 - 6037-050A Building Elevations and Typical Cross Section (Completed Development)
 - 6037-110A Cycle / Smoking Shelter and Fence Details
 - BIM-BWB-HDG-15-DR-DR-D-500 S1 Rev P1 Proposed Drainage Strategy
 - BIM-BWB-HDG-15-DR-D-501 S1 Rev P1 Proposed Drainage Strategy Foul Drainage Route Sheet 2
 - BIM-BWB-HGN-15-DR-D-SK10 S1 Rev P1 HGV and Large Car Tracking

Design and Access Statement prepared by WYG dated March 2017

Travel Plan prepared by BWB dated 10 March 2017.

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.

02. No development shall take place until space is provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.

Reason – In the interests of highway safety.

03. No part of the development hereby approved shall be occupied until space has been laid out within the site in accordance with the approved plan for cars to be parked, for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter all spaces and dedicated turning areas shall be maintained in perpetuity clear of any obstruction to their dedicated use.

Reason – In the interests of highway safety.

04. Prior to the development being brought into use the cycle parking spaces shown on 6037-110A Cycle / Smoking Shelter and Fence Details shall be provided on site. The cycle parking shall be retained thereafter in perpetuity.

Reason - To provide a level of cycle parking in accordance with adopted standards of the Core Strategy.

05. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details hard and soft landscape works for the approved

development shall be submitted to the Local Planning Authority for consideration.

Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.

06. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as a replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.

07. Prior to their installation details of any External Lighting to be installed shall be submitted to and approved in writing by the Local Planning Authority. Only those details which receive written approval shall be implemented on site.

Reason – In the interests of visual and neighbouring amenity.

08. Prior to their installation details of the Pump House and Sprinkler Tanks including their colour shall be submitted to and approved in writing by the Local Planning Authority. Only those details which receive written approval shall be implemented on site.

Reason - In the interests of the visual amenity of the area.

- 09 The Approved Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets.

Reason – In the interests of promoting sustainable transport measures in accordance with policy CS20 of the Core Strategy.

10. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

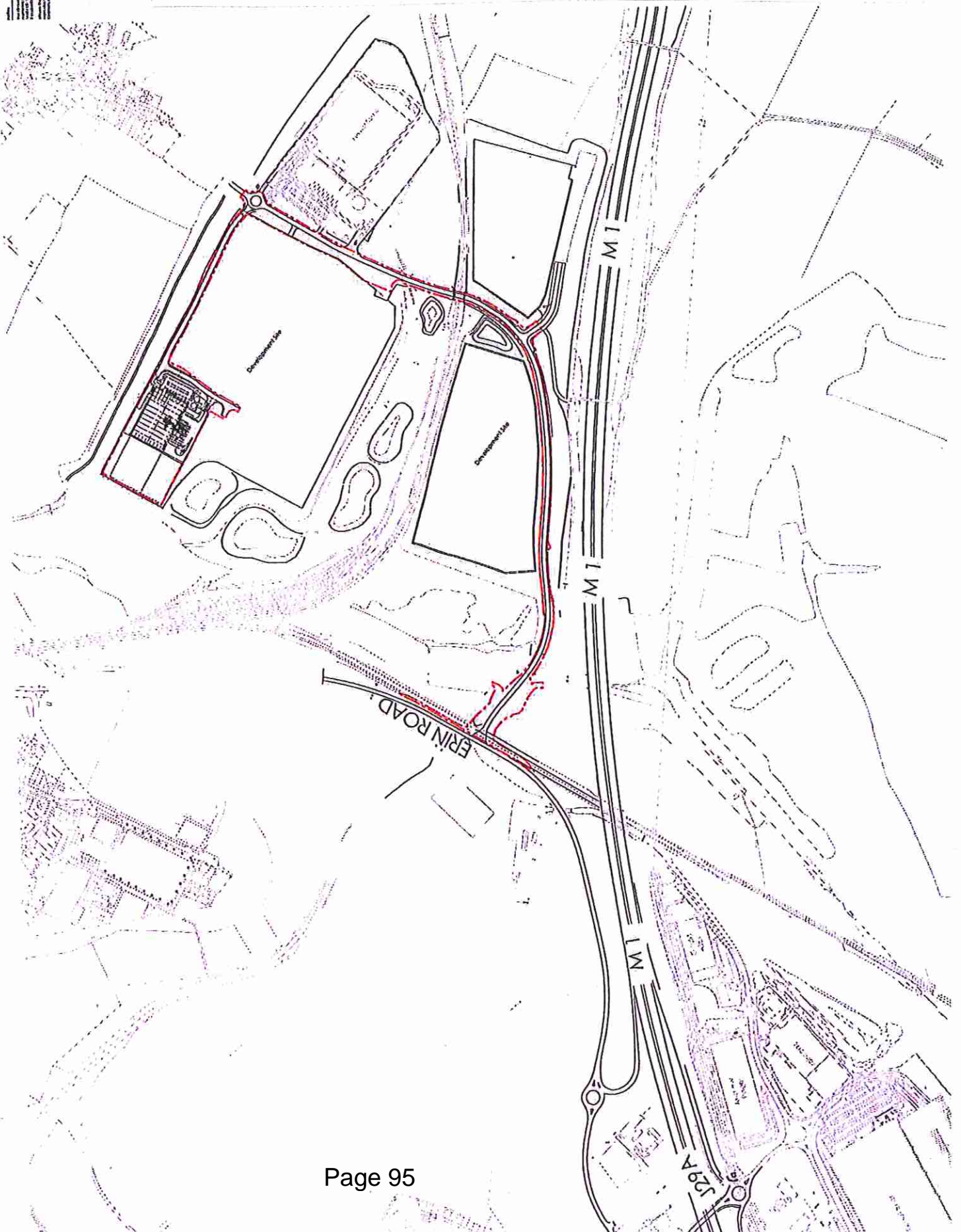
Reason - In the interests of residential amenities.

Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This permission is granted further to an earlier grant of outline planning permission to which any developer should also refer.

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PLANNING COMMITTEE – CHE/17/00182/REM –
PLOT 13 MARKHAM VALE



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Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 15th May 2017

File No: CHE/15/00843/LBC
Plot No: 2/105

ITEM 3

UPDATE REPORT

LISTED BUILDING CONSENT APPLICATION FOR RESTORATION AND CONVERSION OF THE GRADE II* LISTED WALTON WORKS BUILDING TO GROUND FLOOR RETAIL UNITS AND OFFICES WITH 26 APARTMENTS ABOVE AND MILL TERRACE TO 11 DWELLINGS WITH ASSOCIATED PARKING

AT FORMER WALTON AND BOYTHORPE WORKS, OFF FACTORY STREET AND GOYT SIDE ROAD, BRAMPTON, CHESTERFIELD, DERBYSHIRE, S40 2BN FOR MR GUY ROBINSON, ROBINSONS PLC

Local Plan: PS2 (Chatsworth Road) and HSN2 (2006 Local Plan) – Res Dev
Ward: Walton

1.0 **CONSULTATIONS**

<u>CHE/15/00843/LBC</u>	
Historic England	Comments on update received 05/04/2017 and 04/05/2017 – see report
Conservation Officer	Comments on update received 28/04/2017 – see report
C/Field Civic Society	No further comments received
The Association for Industrial Archaeology	No further comments received
Council for British Archaeology	No further comments received
North East Derbyshire Industrial Archaeology Society	No further comments received
Arkwright Society	No further comments received
Georgian Group	No further comments received
Victorian Society	Comments on update received 05/04/2017 – defer to Georgian Group on listed building matters

Derby and Derbyshire Development Control Archaeologist	Comments on update received 10/04/2017 – defer to Historic England of LBC matters
Site Notice / Neighbours	No further letters of representation received

2.0

BACKGROUND

2.1

On the 9th January 2017 Planning Committee resolved to approve a hybrid planning application (subject to S106 agreement); and refer an application listed building consent to the Secretary of State under application references CHE/15/00832/FUL and CHE/15/00843/LBC for the following development:

‘Full planning application and listed building consent application for restoration and conversion of the grade ii listed Walton Works building to ground floor retail units and offices with 26 apartments above and mill terrace to 11 dwellings with associated parking; and*

Outline planning permission (all matters reserved) for the erection of additional residential units (to Walton Works site and Boythorpe Works site), 2 retail units (1574sqm and 1858sqm) and a public house (564sqm) with parking and associated works - revised information package received 31/10/2016

At former Walton and Boythorpe Works, off Factory Street and Goyt Side Road, Brampton, Chesterfield, Derbyshire, S40 2BN’

2.2

The original report for both of these applications is attached as Appendix A below.

2.3

Following the Planning Committee meeting the application for listed building consent was referred on 13th January 2017 to the National Planning Casework Unit (NPCU) for determination on behalf of the Secretary of State. The application was required to be referred due to the fact the Local Planning Authority had resolved to approve the application with an outstanding objection from Historic England under Section 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Arrangements for handling Heritage Applications – Notifications to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015.

- 2.4 The NPCU consult with Historic England on the determination of the application and as part of this process Historic England have an opportunity to consider their outstanding objection and consider whether the application should be 'called in' for public inquiry.
- 2.5 As part of this process Historic England advised the NPCU that they were minded to 'call in' the application and therefore they requested a further meeting with the Local Planning Authority to discuss their concerns about the recommendation. This meeting took place on 8th February 2017.
- 2.6 As a result of the meeting a course of action was agreed to look to address the concerns of Historic England and avoid a 'called in' public inquiry. This included arrangement of a further meeting between the LPA, Historic England and the Developer / Architect to discuss the applicants intended direction with the proposals and to discuss ways in which the outstanding concerns of Historic England on the scheme could be addressed. This meeting took place on 2nd March 2017 where potential revisions to the layout of the listed building proposals were discussed; as well as a review of the information contained on the plans to strengthen the wording of the necessary planning conditions and control the level of intervention to the listed building to the satisfaction of the Historic England.
- 2.7 Further discussions thereafter took place between the Developers Architect and Historic England which resulted in the formal submission of a revised package of plans on the 23rd March 2017; these were further revisited again on 19th April 2017 as follows:
0209-1201 G - Proposed Walton Mill & Mill Terraces BF & GF Plan
0209-1202 G - Proposed Walton Mill & Mill Terraces FF Plan
0209-1203 D - Proposed Walton Mill & Mill Terraces SF Plan
0209-1204 E - Proposed Walton Mill & Mill Terraces TF Plan
0209-1205 C - Proposed Walton Mill & Mill Terraces Roof Plan
0209-1206 F - Proposed Walton Mill Elevations 1-3
0209-1207 E - Proposed Walton Mill Elevations 4-6
0209-1208 A - Proposed Mill Terrace Elevations 7-14
0209-1209 D - Proposed Walton Mill Elevations 15-16
0209-1210 D - Proposed Walton Mill Elevations 17-18
0209-1217 A - Proposed Section 21
Design & Access Statement V2 – 19/04/2017

3.0 **REPRESENTATIONS**

- 3.1 The revised package of plans were the subject of a further round of publicity with a new advertisement being placed in the local press on 30/03/2017; and neighbours / consultees being re-consulted on 28/03/2017 for 14 days.
- 3.2 As a result of publicity there have been no further letters of representation received from local residents. Comments received from consultees are considered separately in the section 4.0 below.

4.0 **CONSIDERATIONS**

- 4.1 The amendments being considered relate solely to the alterations to the listed building and therefore a number of consultees who have responded simply refer back to their previous comments on the wider scheme. These matters are already dealt with in the hybrid planning application resolution, which still stands.
- 4.2 In respect of the listed building consent application (LBC) both the Derby and Derbyshire Development Control Archaeologist and the Victorian Society have deferred the LBC issues to Historic England and the Georgian Group respectively (however the GG have not replied to the latest consultation).
- 4.3 In terms of the issues that are being reconsidered it is the comments of Historic England (HE) and the Council's own Conservation Officer (CO) which are crucial. The CO has commented as follows:

'I've made previous, quite detailed comments on the above applications, so would refer you to those comments for my views. The latest revisions relate to the grade II listed Walton Works building only and are the result of liaison between the applicant and Historic England.*

The revisions primarily relate to changes to the interior compartmentalisation of Walton Work (reflecting the significance of the floor structures) as well as changes to the external windows and door arrangements.

I've been consulted on the proposed revisions by Historic England and can confirm that I am fully supportive of them.'

4.4 Historic England (HE) provided the following comments on the latest submission (19/04/2017):

'Thank you for consulting Historic England on amended plans for both the hybrid planning application (CHE/15/00832/FUL) and listed building application CHE/15/00843/LBC). We have considered this information and offer the following advice.

We refer to our previous advice letters dated 18 November 2016 and 23 February 2016 which details the heritage significance of the Grade II listed Walton Works and Chesterfield Road conservation area, and policy context in which our advice is given.*

Both applications were recommended for approval by your Planning Committee on 9 January 2017 subject to referring the listed building application to the Secretary of State. We objected to the listed building consent application (see our letters dated 18 November 2016 and 23 February 2016) as we considered that both the original and amended proposals would cause harm to the significance of the Grade II listed heritage asset - the degree of harm could not be fully assessed without sufficient detail. We believed the applicant had not demonstrated that the harm is necessary or justified in accordance with the NPPF, citing specifically paragraphs 128-129 and 132-134. In light of the concerns raised the Secretary of State maintained a holding direction to seek amendments to the scheme and resolve any outstanding issues.*

Historic England has attended two meetings on 8 February and 2 March 2017 with your authority and the applicants to discuss a way forward for these proposals. We believe this has led to a constructive dialogue and a focus on key elements of the scheme to the Grade II listed Walton Works which required revision. In summary, the changes are as follows:*

- *more detailed information on the approach to the repair of the mills and retention of historic fabric. This gives greater confidence to the sensitivity and quality of the scheme and will inform a more detailed specialist schedule*

- *amendments to the internal layout within Building 7 and 11, with internal sub-division minimised to maximise the open-plan arrangement and retention of spatial character. We consider this an improvement.*
- *the reduction in height of the cills to the ground floor openings on the east elevation to form new windows and doorways. The number of doorways has been reduced to minimum which we believe can be justified to enable the change of use and we recognise the reduction in height of the cills is necessary in proportion to the new internal floor level required for level access. For the new doorways, a planar glazed door is accepted as a more honest, contemporary and practical design.*
- *The top of the floor construction within the existing mills will be upgraded to achieve thermal, acoustic, and fire properties. The principle of this approach is agreed so that the views to the underside of the beams/cross beam and to the cast iron column heads are retained. The detail of this approach will be conditioned. Whilst not explicitly mentioned, we have advised keeping the walls exposed rather than dry lining, which is essential to retaining the character and appearance of the mills.*
- *the previously removed section of floor construction within Building 7 will be reinstated to its original construction – the method of this will be conditioned as part of any approval*

The addendum to the Design and Access Statement is useful and gives greater confidence in the scheme going forward.

On the basis of the revisions and further information, we agree that all outstanding detailed elements can be appropriately conditioned. However and as previously advised, we continue to recommend that the Addendum and plans confirm

- *that the agreed approach for the historic fenestration and doors is for repair and retention – this is the benchmark to consider the window schedule.*

- *the approach to how partitions will be fixed and how the walls will be treated e.g. establishing the principle of setting partitions to the underside of the exposed beams / walls to be left exposed rather than plaster boarded.*

Whilst accepting that the next design stage (via condition) will consider the works in greater detail (floor by floor), it is essential that the conservation based approach to the scheme gives a greater understanding of how the conversion will be treated and confidence in the end quality.

There remain parts of both applications which we consider harmful to the significance of designated heritage assets – as detailed in our previous advice letters. We are however encouraged by the amendments shown and the more collaborative approach established. In view of the changes proposed and the more considered approach to the repair and conversion of Walton Works, we remove our objection from the applications.

We refer to our previous advice letters concerning the legislative and policy context in which our advice is given. Any harm or loss to significance ‘should require clear and convincing justification’ (paragraph 132, NPPF) and the public benefit demonstrated (paragraph 134). This harm may be justified but clearly the NPPF states that the onus is on your authority to rigorously test the necessity of the works and weigh up the public benefit against the harm. If your authority is minded to approve the revised applications we recommend appropriately worded conditions are imposed to cover all aspects of detailed design. We strongly recommend the repair and conversion of Walton Works, and the phasing of this, is secured through the S106 agreement.’

- 4.5 Overall the support of HE in their comments above is welcomed however it is necessary to revisit the wording of the conditions of the LBC application and seek support of the Planning Committee on these revisions. Furthermore HE will be engaged with the wording of any S106 agreement where it relates to the listed building in order to ensure they are agreeable to the necessary clauses. If this is agreed a further repeat process to refer the LBC application back to the NPCU will be necessary.

5.0 **RECOMMENDATION**

5.1 Agreement is sought from planning committee to the following revisions to conditions in principle and to further delegate to officers any necessary amendments to the exact wording of the final conditions affecting the listed building and the S106 in consultation Historic England.

5.2 **CHE/15/00843/LBC**

Conditions

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.

02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.

Proposed Elevations - Drawing Ref No's 0209.1206 Rev F, 0209.1207 Rev E, 0209.1208 Rev A, 0209.1209 Rev D, 0209.1210 Rev D and 0209-1217 Rev A.

Proposed Floorplans – Drawing Ref No's 0209.1201 Rev G, 0209.1202 Rev G, 0209.1203 Rev D, 0209.1204 Rev E and 0209.1205 Rev C.

Proposed Site Plan – Drawing Ref No's 0209.004 Rev G and 0209.003 (Demolition Site Works Plan).

Proposed Elevations – Drawing Ref No 0209.1211.

Proposed Elevations – Drawing Ref No 0209.1212.

Design & Access Statement V2 – 19/04/2017 (prepared by Ibbotson Architects);

Statement of Community Involvement (prepared by Cerda Planning dated Dec 2015);

Geotechnical and Geo-Environmental Desk Study for Walton Works (prepared by Eastwoods & Partners dated July 2015);

Geotechnical and Geo-Environmental Desk Study for Boythorpe Works (prepared by Eastwoods & Partners dated July 2015);

Sequential Assessment (prepared by Cerda Planning dated Dec 2015);
Retail Impact Assessment (prepared by Cushman & Wakefield dated Dec 2015);
Arboricultural Report (prepared by Ian Kennedy dated 08 Dec 2015);
Heritage Statement (prepared by Heritage Collective LLP dated May 2012);
Heritage Statement Addendum (prepared by Cerda Planning dated Dec 2015);
Archaeological Desk Based Assessment (prepared by Heritage Collective LLP dated May 2012);
Noise Assessment (prepared by Acoustic Design & Control dated 17 April 2012);
Noise Assessment Addendum (prepared by Noise Assess dated 16 Dec 2015);
Transport Assessment (prepared by AECOM dated July 2016) inc. Alternative Access Strategy received on 28 October 2016;
Ecology Report (prepared by BSG Ecology dated September 2016) inc. White Clawed Crayfish Survey and River Hipper Baseline Survey (also prepared by BSG Ecology dated August 2016);
Flood Risk Assessment (prepared by Eastwood & Partners dated October 2016);
Surface Water Drainage Strategy Plans (prepared by Eastwoods & Partners dated June 2016 with additional information received 08 Nov 2016); and
Mascot Management Cost Report dated 18th December 2015 and Wilkins Vardy Development Appraisal dated 08 Feb 2016

Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

03. All historic fenestration and doors shall be retained / repaired; and any replacement will only be considered in consultation with the Local Planning Authority's Conservation Officer and Historic England. Development shall not commence until a windows and doors schedule of works has been submitted to the Local Planning Authority for consideration and written approval. This schedule shall

include a fully detailed appraisal of all such features with full details of condition and any necessary repairs. Any proposed changes to existing windows and doors throughout the mill complex shall be detailed to include the proposed design, means of opening and materials for any new windows and doors, including the proposed ground floor glazed entrance lobby for buildings 7 & 11. Robust justification to the satisfaction of Local Planning Authority's Conservation Officer and Historic England will be required to justify the replacement of any windows and doors with historic and architectural value. Only those details approved in writing shall be implemented on site in strict accordance with the approved schedule.

Reason – In the interests of preserving and protecting the special character and appearance of the listed building, in accordance with policy CS19 of the Core Strategy and wider NPPF.

04. Development shall not commence until an interior schedule of works has been submitted to the Local Planning Authority for consideration and written approval. This schedule shall include detailed floor plans to demonstrate how the proposed room layouts will secure minimal impacts on the interior of the listed buildings, the approach to how partitions will be fixed and how the walls will be treated e.g. establishing the principle of setting partitions to the underside of the exposed beams / walls to be left exposed rather than plaster boarded; and the schedule will need to demonstrate how the apartments will be arranged to preserve and integrate with the cast iron columns, brick arches and historic floor structures. Only those details approved in writing by the Local Planning Authority shall be implemented on site in strict accordance with the approved schedule.

Reason – In the interests of preserving and protecting the special character and appearance of the listed building, in accordance with policy CS19 of the Core Strategy and wider NPPF.

05. Development shall not commence until full details of the proposed service plans in and around the listed building have been submitted to the Local Planning Authority for consideration and written approval. These plans shall include the location of main service runs and plant relating to gas, electricity, ventilation and waste. Only those details approved in writing by the Local Planning Authority shall be implemented on site in strict accordance with the approved scheme.

Reason – In the interests of preserving and protecting the special character and appearance of the listed building, in accordance with policy CS19 of the Core Strategy and wider NPPF.

06. Development shall not commence until further details of any new materials samples or specifications have been submitted to the Local Planning Authority for consideration and written approval. These details shall include any new roofing materials, brickwork, stonework and re-pointing; as well as details / specifications of the proposed materials for the external lifts and additional floor elevations. Only those details approved in writing by the Local Planning Authority shall be implemented on site in strict accordance with the approved scheme.

Reason – In the interests of preserving and protecting the special character and appearance of the listed building, in accordance with policy CS19 of the Core Strategy and wider NPPF.

07. Development shall not commence until a further details of all rain water goods have been submitted to the Local Planning Authority for consideration and written approval. These details shall include the detailed design and material specification of any new guttering down pipes and hoppers. Only those details approved in writing by the Local Planning Authority shall be implemented on site in strict accordance with the approved scheme.

Reason – In the interests of preserving and protecting the special character and appearance of the listed building, in accordance with policy CS19 of the Core Strategy and wider NPPF.

08. Development shall not commence until further details and sectional drawings have been submitted to the Local Planning Authority for consideration and written approval detailing the integration of the new floors and lifts to the existing building. These plans shall include drawings / details showing how the modern additions will connect to the existing elevations and floors and detail treatment and finishes of cornicing, exposed brickwork etc). Only those details approved in writing by the Local Planning Authority shall be implemented on site in strict accordance with the approved scheme.

Reason – In the interests of preserving and protecting the special character and appearance of the listed building, in accordance with policy CS19 of the Core Strategy and wider NPPF.

09. Development shall not commence until further details of the proposed works to the existing water tank to create the proposed viewing platform have been submitted to the Local Planning Authority for consideration and written approval. Only those details approved in writing by the Local Planning Authority shall be implemented on site in strict accordance with the approved scheme.

Reason – In the interests of preserving and protecting the special character and appearance of the listed building, in accordance with policy CS19 of the Core Strategy and wider NPPF.

Notes

01. This approval contains condition/s which makes requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.

02. 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.

5.3

CHE/15/00832/FUL

Conditions

52. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.
- Proposed Elevations - Drawing Ref No's 0209.1206 Rev F, 0209.1207 Rev E, 0209.1208 Rev A, 0209.1209 Rev D, 0209.1210 Rev D and 0209-1217 Rev A.
- Proposed Floorplans – Drawing Ref No's 0209.1201 Rev G, 0209.1202 Rev G, 0209.1203 Rev D, 0209.1204 Rev E and 0209.1205 Rev C.
- Proposed Site Plan – Drawing Ref No's 0209.004 Rev G and 0209.003 (Demolition Site Works Plan).
- Proposed Elevations – Drawing Ref No 0209.1211.
- Proposed Elevations – Drawing Ref No 0209.1212.
- Design & Access Statement V2 – 19/04/2017 (prepared by Ibbotson Architects);
- Statement of Community Involvement (prepared by Cerda Planning dated Dec 2015);
- Geotechnical and Geo-Environmental Desk Study for Walton Works (prepared by Eastwoods & Partners dated July 2015);
- Geotechnical and Geo-Environmental Desk Study for Boythorpe Works (prepared by Eastwoods & Partners dated July 2015);
- Sequential Assessment (prepared by Cerda Planning dated Dec 2015);
- Retail Impact Assessment (prepared by Cushman & Wakefield dated Dec 2015);
- Arboricultural Report (prepared by Ian Kennedy dated 08 Dec 2015);
- Heritage Statement (prepared by Heritage Collective LLP dated May 2012);

Heritage Statement Addendum (prepared by Cerda Planning dated Dec 2015);
Archaeological Desk Based Assessment (prepared by Heritage Collective LLP dated May 2012);
Noise Assessment (prepared by Acoustic Design & Control dated 17 April 2012);
Noise Assessment Addendum (prepared by Noise Assess dated 16 Dec 2015);
Transport Assessment (prepared by AECOM dated July 2016) inc. Alternative Access Strategy received on 28 October 2016;
Ecology Report (prepared by BSG Ecology dated September 2016) inc. White Clawed Crayfish Survey and River Hipper Baseline Survey (also prepared by BSG Ecology dated August 2016);
Flood Risk Assessment (prepared by Eastwood & Partners dated October 2016);
Surface Water Drainage Strategy Plans (prepared by Eastwoods & Partners dated June 2016 with additional information received 08 Nov 2016); and
Mascot Management Cost Report dated 18th December 2015 and Wilkins Vardy Development Appraisal dated 08 Feb 2016

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.

APPENDIX A

Case Officer: Sarah Kay File No: CHE/15/00832/FUL
CHE/15/00843/LBC
Tel. No: (01246) 345786 Plot No: 2/105
Ctte Date: 9th January 2017

ITEM 3

HYBRID PLANNING APPLICATION COMPRISING OF:

FULL PLANNING APPLICATION AND LISTED BUILDING CONSENT APPLICATION FOR RESTORATION AND CONVERSION OF THE GRADE II* LISTED WALTON WORKS BUILDING TO GROUND FLOOR RETAIL UNITS AND OFFICES WITH 26 APARTMENTS ABOVE AND MILL TERRACE TO 11 DWELLINGS WITH ASSOCIATED PARKING; AND

OUTLINE PLANNING PERMISSION (ALL MATTERS RESERVED) FOR THE ERECTION OF ADDITIONAL RESIDENTIAL UNITS (TO WALTON WORKS SITE AND BOYTHORPE WORKS SITE), 2 RETAIL UNITS (1574SQM AND 1858SQM) AND A PUBLIC HOUSE (564SQM) WITH PARKING AND ASSOCIATED WORKS - REVISED INFORMATION PACKAGE RECEIVED 31/10/2016

AT FORMER WALTON AND BOYTHORPE WORKS, OFF FACTORY STREET AND GOYT SIDE ROAD, BRAMPTON, CHESTERFIELD, DERBYSHIRE, S40 2BN FOR MR GUY ROBINSON, ROBINSONS PLC

Local Plan: PS2 (Chatsworth Road) and HSN2 (2006 Local Plan) – Res Dev
Ward: Walton

1.0 **CONSULTATIONS**

<u>CHE/15/00832/FUL</u>	
DCC Highways	Comments received 24 March 2016 and 07 December 2016 – see report
DCC Planning (re: Education etc)	Comments received 09 March 2016 – see report
Urban Design Officer	Comments received 03 March 2016 – see report
Yorkshire Water	Comments received 17 February 2016 – see report

Derbyshire Wildlife Trust	Comments received 12 February 2016 and 18 November 2016 – see report
Tree Officer	Comments received 17 March 2016 – see report
Forward Planning Team	Comments received 17 March 2016 and 22 November 2016 – see report
CBC Leisure Services	No comments received
CBC Design Services	Comments received 12 February 2016 and 17 June 2016 – see report
Environment Agency	Comments received 28 October 2016 – see report
Lead Local Flood Authority	Comments received 18 November 2016 – see report
Conservation Officer	Comments received 01 March 2016 and 15 November 2016 – see report
Coal Authority	Comments received 12 February 2016 – see report
Chesterfield Cycle Campaign	Comments received 11 February 2016 and 13 November 2016 – see report
Transition Chesterfield	Comments received 11 February 2016 – see report
CBC Economic Dev. Unit	Comments received 02 February 2016 and 15 November 2016 – see report
Environmental Health Officer	No comments received
Crime Prevention Design Advisor	Comments received 01 February 2016 and 11 November 2016 – see report
CBC Housing	Comments received 22 January 2016 – see report
Site Notice / Neighbours	7 letters of representation received

<u>CHE/15/00843/LBC</u>	
Historic England	Comments received 23 February 2016 and 18 November 2016 – see report

Conservation Officer	Comments received 01 March 2016 and 15 November 2016 – comments – see report
C/Field Civic Society	Comments received 04 March 2016 – see report
The Association for Industrial Archaeology	Comments received 11 February 2016 – see report
Council for British Archaeology	Comments received 11 February 2016 – see report
North East Derbyshire Industrial Archaeology Society	Comments received 11 February 2016 – see report
Arkwright Society	Comments received 10 February 2016 – see report
Georgian Group	Comments received 10 February 2016 and 14 November 2016 – see report
Derby and Derbyshire Development Control Archaeologist	Comments received 03 February 2016 – see report
Site Notice / Neighbours	7 letters of representation received

2.0 **THE SITE**

2.1 The application site extends to some 9.81 hectares of brownfield land comprising of the former Walton Works site, No's 318 – 320 Chatsworth Road, the former Coronation Gardens, the Goytside Mill (in part) and the former Boythorpe Works site. The application site boundary can be split into two distinct areas – the former Walton Works and land associated therewith; and the former Boythorpe Works and the land associated therewith.

(see OS Plan on next page)

2.4 The former Walton Works Mill building is a Grade II* listed building and is located within the Chatsworth Road Conservation Area (which also includes No's 318 – 328 Chatsworth Road and the former Coronation Gardens). It is located at the western end of the former Walton Works site. The Walton Works buildings, which are currently used for War / Horror Style Gaming (see site history below) are otherwise vacant in appearance and have been so for at least 13 years. The Mill buildings are in a poor state of repair and are on Historic England's at risk register.

3.0 **RELEVANT SITE HISTORY**

3.1 **WALTON WORKS**

CHE/14/00288/RET – Retention of change of use of land to include war gaming on a temporary basis - amended information received – Refused 18/03/2015.

- Enforcement Notice (EN) and Stop Notice (SN) Served on 14/07/2015.
- PP, EN and SN Appealed 04/09/2015 – PP Appeal dismissed, but EN and SN quashed 01/06/2016.
- Unilateral Undertaking currently being negotiated to allow the temporary use to continue pending the permanent redevelopment of the site.

CHE/12/00317/LBC - Mixed use regeneration of site to include refurbishment of Walton Works, provision of new district centre retail (food store and new retail/commercial/community units), 79 residential units, demolition of 324-328 Chatsworth Road and provision of replacement frontage units, new River Hipper walkway and refurbished Coronation Gardens, together with associated landscaping and car parking (including shared district centre car parking) and highway and flood improvement measures – Finally disposed of (undetermined) 18/08/2015.

CHE/12/00309/FUL - Mixed use regeneration of site to include refurbishment of Walton Works, provision of new district centre retail (food store and new retail/commercial/community units), 79 residential units, demolition of 324-328 Chatsworth Road and provision of replacement frontage units, new River Hipper walkway and refurbished Coronation Gardens, together with associated

landscaping and car parking (including shared district centre car parking) and highway and flood improvement measures – Finally disposed of (undetermined) 18/08/2015.

CHE/07/00480/FUL - Development of 124 new build dwellings and the restoration and conversion of the former Walton Works into 72 residential units with car parking and associated works - Refused 02/10/2007. Appealed to PINS, but Appeal withdrawn.

CHE/07/00481/LBC - Listed Building Consent for restoration and conversion of the Former Walton Works for residential use comprising 72 dwellings, external and internal amenity spaces, car parking and associated works and the construction of 124 freestanding dwellings - Refused 02/10/2007. Appealed to PINS, but Appeal withdrawn.

CHE/0503/0365 - Outline application for mixed use development to include residential/A1/A3 and sui-generis use – Application was never determined due to subsequent Grade II* listing of Walton Works.

CHE/0697/0282 - Extensions and alterations to existing factory – Conditional permission 14/08/1997.

CHE/0497/0174 - Siting of storage tank for flammable liquid – Conditional permission 21/05/1997.

CHE/0795/0370 - Retention of existing portable office building – Conditional permission 06/09/1995.

CHE/1188/0935 - Permission for portable office building – Conditional permission 24/01/1989.

CHE/1187/0665 - Permission for erection of warehouse and office / amenity block – Conditional permission 13/01/1988.

CHE/1087/0584 - Permission for change of use to area for lorry and car parking – Conditional permission 13/01/1988.

3.2 BOYTHORPE WORKS

CHE/0390/0195 - Erection of a company shop for the sale of goods to employees and public – Conditional permission 01/05/1990.

CHE/0986/0560 - Permission for loading dock – Conditional permission 15/10/1986.

CHE/0484/0238 - Permission for erection of storage and general warehousing facilities – Conditional permission 02/10/1984.

3.3 GOYTSIDE WORKS

CHE/1203/0856 - New fire escape stairs – Conditional permission 06/02/2004.

CHE/1202/0763 - New fencing to replace existing – Conditional permission 29/01/2003.

4.0 THE PROPOSAL

4.1 The application submitted is a hybrid planning application comprising of a full planning application and listed building consent application for restoration and conversion of the grade II* listed Walton works building to ground floor retail units and offices with 26 no. apartments above inc. conversion of mill terrace to 11 no. dwellings with associated parking; and outline planning permission (all matters reserved) for the erection of additional residential units / dwellings (to Walton works site and Boythorpe works site), 2 no. retail units (1574sqm and 1858sqm) and a new public house (564sqm) with parking and associated works.

4.2 The hybrid application is covered by two separate application references CHE/15/00832/FUL and CHE/15/00843/LBC to reflect the need for planning permission (outline and full) and listed building consent and the only element of the application proposals which seek full planning permission is the conversion of the grade II* listed Walton works mill; as listed building consent cannot be granted for works to a listed building only covered by an outline planning permission.

4.3 The following is a detailed schedule of the works proposed as part of the hybrid application:

Full Application

Conversion of the listed grade II* Walton works mill into 4 no. retail units, 2 no. offices, and 26 no. apartments (facilitated by selective demolition and external alterations / extensions to the building); and conversion of the associated mill terrace (which adjoins the southern bank of the River Hipper) into 11 no. dwellings.

Existing Elevations – Drawing Ref No’s 0209.1106, 0209.1107, 0209.1108, 0209.1109 and 0209.1110.

Existing Floorplans – Drawing Ref No’s 0209.1101, 0209.1102, 0209.1103, 0209.1104 and 0209.1105.

Existing Site Plans – Drawing Ref No’s 0209.002 and 15671_OGL Topographical Survey (Walton works site)

Proposed Elevations - Drawing Ref No’s 0209.1206 Rev C, 0209.1207 Rev C, 0209.1208, 0209.1209 Rev B and 0209.1210 Rev B.

Proposed Floorplans – Drawing Ref No’s 0209.1201 Rev E, 0209.1202 Rev E, 0209.1203 Rev B and 0209.1204 Rev C.

Proposed Site Plan – Drawing Ref No’s 0209.004 Rev G and 0209.003 (Demolition Site Works Plan).

Outline Application (All Matters Reserved)

Residential development surrounding the Walton works listed mill comprising of:

3 no. new blocks of apartments immediately surrounding the west, south and east of Walton works mill identified as Walton Fields Terrace (12 no. houses); and Goytside Mill Terrace (2 no. blocks comprising 40 no. apartments block 1 and 36 apartments block 2) – facilitated by part demolition of Goytside Mill;

Existing Site Plan – Drawing Ref No’s 15671_OGL Topographical Survey (Walton Works site), 0209.1111 (Paper Mill Layout) and 0209.022 Site Plan.

Proposed Site Plan – Drawing Ref No 0209.004 Rev G
(Proposed Site Plan)

New residential development on land between the Walton works mill complex and *the 2 no. proposed retail units*; and

Existing Site Plan – Drawing Ref No's 15671_OGL
Topographical Survey (Walton Works site) and 0209.022 Site Plan.

Proposed Site Plan – Drawing Ref No 0209.004 Rev G
(Proposed Site Plan)

New residential development on land of the former Boythorpe Works (land adjoining the south east of the Walton works site).

Existing Site Plan – Drawing Ref No 4118 Boythorpe Works
Topographical Survey.

Proposed Site Plan – None – please refer to Drawing Ref No. 0209.001 Location Plan.

Commercial development surrounding the Walton works site comprising of:

2 no. retail units on land furthest west of Walton works mill (at the corner of Factory Street and Goyt Side Road) with access formed to Factory Street south of the River Hipper; and

Existing Site Plan – Drawing Ref No's 15671_OGL
Topographical Survey (Walton Works site) and 0209.022 Site Plan.

Proposed Site Plan – Drawing Ref No 0209.004 Rev G
(Proposed Site Plan)

Proposed Elevations – Drawing Ref No 0209.1211.

1 no. Public House and formation of a new site access onto Chatsworth Road (facilitated by the demolition of Coronation Gardens and No's 318 – 328 Chatsworth Road).

Existing Site Plan – Drawing Ref No's 15671_OGL
Topographical Survey (Walton Works site) and
0209.022 Site Plan.

Proposed Site Plan – Drawing Ref No 0209.004 Rev G
(Proposed Site Plan).

Proposed Elevations – Drawing Ref No 0209.1212.

4.4 The application submissions are also supported by the submission of the following reports / assessments:

- Design and Access Statement (prepared by Cerda Planning dated Dec 2015);
- Planning Statement (prepared by Cerda Planning dated Dec 2015);
- Statement of Community Involvement (prepared by Cerda Planning dated Dec 2015);
- Geotechnical and Geo-Environmental Desk Study for Walton Works (prepared by Eastwoods & Partners dated July 2015);
- Geotechnical and Geo-Environmental Desk Study for Boythorpe Works (prepared by Eastwoods & Partners dated July 2015);
- Sequential Assessment (prepared by Cerda Planning dated Dec 2015);
- Retail Impact Assessment (prepared by Cushman & Wakefield dated Dec 2015);
- Arboricultural Report (prepared by Ian Kennedy dated 08 Dec 2015);
- Heritage Statement (prepared by Heritage Collective LLP dated May 2012);
- Heritage Statement Addendum (prepared by Cerda Planning dated Dec 2015);
- Archaeological Desk Based Assessment (prepared by Heritage Collective LLP dated May 2012);
- Noise Assessment (prepared by Acoustic Design & Control dated 17 April 2012);
- Noise Assessment Addendum (prepared by Noise Assess dated 16 Dec 2015);
- Transport Assessment (prepared by AECOM dated July 2016) inc. Alternative Access Strategy received on 28 October 2016;

- Ecology Report (prepared by BSG Ecology dated September 2016) inc. White Clawed Crayfish Survey and River Hipper Baseline Survey (also prepared by BSG Ecology dated August 2016);
- Flood Risk Assessment (prepared by Eastwood & Partners dated October 2016);
- Surface Water Drainage Strategy Plans (prepared by Eastwoods & Partners dated June 2016 with additional information received 08 Nov 2016); and
- Mascot Management Cost Report dated 18th December 2015 and Wilkins Vardy Development Appraisal dated 08 Feb 2016 – ***both Private and Confidential.***

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).

Chesterfield Local Plan: Core Strategy

5.1.2 The most relevant policies in the Council's adopted Local Plan: Core Strategy are:

- CS1 Spatial Strategy - provides the overall approach to growth in the borough.
- CS2 Principles for Location of Development - provides a framework for assessing development proposals not already allocated.
- CS3 Presumption in Favour of Sustainable Development – sets the Council's approach in line with NPPF guidance on positive and proactive working to promote developments where possible (unless material considerations dictate otherwise)

- CS4 Infrastructure Delivery – ensures relevant infrastructure is provided alongside new development (including that funded by the Council’s Community Infrastructure Levy).
- CS7 Management of the Water Cycle - requires flood risk to be considered when development proposals are put forward.
- CS8 Environmental Quality - ensures environmental quality is considered during the planning process, including that relating to land, water and air.
- CS9 Green Infrastructure and Biodiversity - ensures that Chesterfield borough’s green infrastructure network will be recognised during the planning and development process.
- CS11 Range of Housing – seeks to address the Council’s housing need and provides a framework for negotiating affordable housing
- CS15 Vitality & Viability of Centres – sets the Council’s approach to support the role of town / district and local centres
- CS16 Retail – sets the Council’s sequential approach to assess sites for retail and other town centres uses.
- CS17 Social Infrastructure – seeks to secure appropriate infrastructure provision in connection with new development proposals.
- CS18 Design - promotes high quality design in the built environment.
- CS19 Historic Environment - sets out the Council’s approach to the preservation and enhancement of the historic environment.
- CS20 Influencing Demand for Travel – sets the Councils approach to reduce congestion, improve environmental quality, encourage walking / cycling and the use of public transport through location / design of development and parking provision.
- PS2 Chatsworth Road Corridor – sets the place making vision for the Chatsworth Road corridor, inc. referencing the importance of following a master planned approach.

National Planning Policy Framework (NPPF)

5.1.3

The National Planning Policy Framework (NPPF) policies of most relevance to the applications proposals are:

- *Chapter 1: Building a strong, competitive economy*
- *Chapter 2: Ensuring the vitality of town centres*

- *Chapter 4: Promoting sustainable transport*
- *Chapter 6: Delivering a wide choice of quality homes*
- *Chapter 7: Requiring good design*
- *Chapter 8: Promoting healthy communities*
- *Chapter 10: meeting the challenge of climate change, flooding and coastal change*
- *Chapter 11: Conserving and enhancing the natural environment*
- *Chapter 12: Conserving and enhancing the historic environment*

5.2 **Planning Policy Background and Principle of Development**

- 5.2.1 The development site consists of the former Walton Works (including a Grade II* listed building), former Boythorpe Works and part of the Goyt Side Mill site. These sites all fall within place-shaping policy PS2 – Chatsworth Road Corridor from the Local Plan Core Strategy. The Walton Works site is also allocated as a housing site as a retained housing allocation under policy HSN1 of the Replacement Chesterfield Borough Local Plan (site H38A for an estimated 150 dwellings). Part of the site, north of the River Hipper, is also within the boundaries of the Chatsworth Road District Centre. The Hipper Valley Cycle Route runs through the site, which forms part of the Strategic Cycle network shown on diagram 7 of the Local Plan Core Strategy (route 5 – Somersall (via Hipper Valley Trail and TPT) to Staveley).
- 5.2.2 There is also a masterplan for the area, the Chatsworth Road General Development Framework, prepared in 2005. Whilst this has largely been superseded by the policies and allocations of the 2006 RCBLP and 2013 Core Strategy, it does provide guidance relevant to the scheme.
- 5.2.3 The application proposes a mix of residential development, retail, a public house and associated works. Therefore the question of the acceptability or otherwise of the principle of the development will need to be tested under:
- Overall conformity with the council's spatial strategy, as set out in policies CS1 and CS2
 - Conformity with the council's place shaping policy PS2 and the 'saved' housing allocation H38A

- For the retail elements, conformity with the sequential and impact tests set out in the NPPF and Local plan policy CS16.

Spatial Strategy

- 5.2.4 The council's spatial strategy, set out in policy CS1, is to 'concentrate new development within walking and cycling distance of centres, and to focus on areas that need regenerating'. The site is within easy walking distance of Chatsworth Road District centre and is in need of regenerating (the grade II* listed Walton Works is on Historic England's 'at risk' register). CS1 expects about 43% of major new housing development to come forward in the Chesterfield Sub Regional Centre, which includes Chatsworth Road District Centre. Policy CS2 sets out a number of criteria to be considered when assessing planning applications for developments not allocated in a DPD, the proposed development meets criteria (a) to (f). Whether it meets criteria (g) is considered under retail issues, below.

Policies PS2 and H38A

- 5.2.5 Policy PS2 sets out that planning permission will only be granted for development that contributes to:
- a) The vitality and viability of Chatsworth Road district centre
 - b) Improving the West Bars gateway to Chesterfield town centre (not relevant in this location).
 - c) Strengthening the links between the land south of Chatsworth Road with the Chatsworth Road district centre and surrounding communities.
 - d) Providing a new variety of uses that will create a mixed, sustainable community.
 - e) The improvement of identified transport and highway issues.
 - f) The enhancement of walking, cycling and public transport provision

Furthermore, it requires that the Hipper Velly walking and cycling route and improved north south walking and cycling links be incorporated, and that development be integrated into a network of green spaces. It also sets out the acceptable uses for key sites within the area, including Walton Works ('housing led mixed-use development').

5.2.6

Taking each of these criteria in turn:

a) The vitality and viability of Chatsworth Road district centre

At present the site is predominantly derelict and vacant and contributes little to Chatsworth Road District Centre. The regeneration of the site for a range of uses and which would be linked to Chatsworth Road would undoubtedly have significant benefits. However there are specific risks to the retail element and these are considered separately under retail issues, below.

b) Improving the West Bars gateway to Chesterfield town centre (not relevant in this location).

c) Strengthening the links between the land south of Chatsworth Road with the Chatsworth Road district centre and surrounding communities.

Whilst it is encouraging to see the inclusion of two new footbridges across the River Hipper, these only appear to connect with Chatsworth Road through the car park proposed on the former Coronation Gardens. It is not clear why connections have not been made with Mill Street or Shepley Street, both of which benefit from existing crossings and provide links well aligned with pedestrian crossings over Chatsworth Road.

Within the site it is unclear how north-south pedestrian and cycle links will be made. No links are shown through the site connecting Chatsworth Road with the proposed route of the Hipper Valley Trail or beyond, through the Boythorpe Works site.

The north south connections should be shown at least indicatively, with the points where they interact with the surroundings clearly identified, and the form and type of these connections (in terms of width of carriageway the extent of space given to pedestrians and cycles) clearly set out.

d) Providing a new variety of uses that will create a mixed, sustainable community.

The application indicates a mix of uses, including a substantial residential element including houses and apartments. In terms of distance (if not in detail, see above), these are well related to the mix of uses on Chatsworth Road. The developer accepts the principle of providing a proportion of affordable housing but has not indicated a proportion that they are willing to provide.

The inclusion of areas of open land adjacent to the Hipper as part of flood management, incorporating footpath links is welcomed in principle and meets the requirement to integrate the site into a network of green spaces. Details of the proper landscaping of these areas will be required.

e) The improvement of identified transport and highway issues.

The issue of improving connections with surrounding communities is addressed above and walking and cycling below.

Improvements to the local highways network is also likely to be necessary and will need to be agreed with Derbyshire County Council as Highways Authority.

f) The enhancement of walking, cycling and public transport provision/ incorporating the Hipper Valley Walking and cycling route and north-south links

The lack of detail in how walking and cycling provision will be dealt with across the site has already been covered, above.

Further detail is also required on how the development will ensure the enhancement of the strategic walking and cycling network. No detail is provided on how the Hipper Valley Cycle route will be enhanced through the Walton Works site or alongside/on Goyt Side Road. This route is part of the Strategic Cycle network shown on diagram 7 of the Local Plan Core Strategy and should be improved as part of the development, however it is not clear what form or size the proposed route will be, whether it will be segregated (from pedestrians and vehicle traffic), how its relationship with Goyt Side Road will be handled or how cyclists and pedestrians will cross Goyt Side Road and the proposed access road safely to access the site and Chatsworth Road. Given the applicant's control of the site, an off-road route should be provided for as much of the site's length as possible, ideally segregated from vehicles and pedestrians and of sufficient width to allow travel in both directions (or alternatively provision on either side of the proposed Access Road and Goyt Side Road).

Whilst it is accepted that part of the application is in outline, there is no reason that the specification of these links cannot be established and their broad location shown on the site plan so that the quality of provision at an appropriate point can be secured.

5.2.7

H38A Walton Works - The Walton Works site is allocated for housing in saved allocation H38A. Policy PS2 sets out that the site of Walton Works specifically shall be used for 'housing led mixed-use development'. The application indicates a total of 472 new dwellings. 85 of these appear to be in buildings immediately surrounding the listed mill, with a further area of approximately 0.6ha of the Walton Works site set aside for residential use.

Assuming this is built out at an average of 30 dwellings per hectare this would mean just over 100 dwellings would be delivered on this part of the application site. Whilst lower than the 150 figure set out

in the RCBLP, this is sufficient to consider the site as 'housing led'. The retail is considered under retail issues, below.

5.2.8 **Boythorpe Works** - No illustrative details are provided on the development of the Boythorpe Works as part of the application. The works site was identified as an employment site in the Replacement Chesterfield Borough local Plan. However this allocation was not 'saved' upon the adoption of the Local Plan Core Strategy in 2013. The principle of housing in this location must therefore be determined on the criteria set out in policies CS1 and CS2. As set out under 'Spatial Strategy' above, the site meets the majority of the criteria set out and is appropriate for residential use in principle.

5.2.9 **Land North of River Hipper** - The proposed public house is within the boundary of the Chatsworth Road District Centre as defined on the Regulation 22 adopted Local Plan proposals map, and the use is therefore acceptable in principle. However there is concern at the extent of open car parking proposed in comparison to the amount of built development. Chatsworth Road is characterised by a strong street frontage (albeit damaged in this location by selective cleared sites, but this should not be taken as a precedent) which is not supported by the application in its current form. The provision of more built development on this frontage, with car parking to the rear, would be supported. This would also serve to secure the character of the Chatsworth Road Conservation Area.

Retail Issues

5.2.10 Setting aside the public house, which is within the Chatsworth Road District Centre, the remaining proposed retail uses would be considered 'edge of centre' and are therefore subject to the sequential test set out in the NPPF. The overall retail floorspace proposed (3803 sqm A1 and 370 A3) also exceeds the 2,500 sqm threshold for an impact assessment set out in the NPPF.

5.2.11 The sequential assessment concentrates on Chatsworth Road District Centre and Chesterfield Town Centre, which is appropriate and reasonable. Overall the sequential assessment is considered appropriate and it is therefore reasonable to consider that the test has been met, which leads on to the impact test. The retail impact assessment indicates that there will be some trade diversions on

existing convenience stores and Chesterfield Town Centre but that these are currently performing well. It is considered that this level of diversion is outweighed by the benefits of ensuring the regeneration of the Walton Works site and the benefits to the Chatsworth Road District Centre. Furthermore the development of a new convenience store/s on this site will potentially avoid cross town trips for the large number of residents to the west of the town who currently only have the Morrisons offer and no local choice.

- 5.2.12 In summary, the principle of the proposed mix of uses within the application site is acceptable, meeting the council's overall spatial strategy, the key objectives of the Chatsworth Road place shaping policy and the requirements of the sequential and impact tests. Some areas of detail raise cause for concern and will need to be addressed.

Other Local Plan Policies

- 5.2.13 The full range of policies applicable to the site are set out in para. 5.1.2 above. Attention is drawn specifically to the following issues.

- 5.2.14 **CS4 – Infrastructure Delivery.** Potential requirements for affordable housing, open space and percent for art are addressed below. Highways improvements should be secured through the relevant legal agreements.

The council implemented the Community Infrastructure Levy as of the 1st April 2016. Part of this site (the part within Walton Ward) falls within the 'High' charging zone of £80 per sqm of residential floorspace and part of the site (within the Holmebrook Ward) within the medium zone with a £50 per sqm charge. There is a flat rate charge of £80 per sqm relating to the proposed town centre uses (A1 retail, A3 cafes and restaurants and A5 food and drink). The council has also adopted an exceptional circumstances relief policy (from 9th May 2016). An application for exceptional circumstances relief would need to be submitted to the council before commencement of the chargeable development and be accompanied by:

- a) an assessment carried out by an independent person of the economic viability of the chargeable development and the cost of complying with the planning obligation,

- b) an explanation of why payment of the chargeable amount would have an unacceptable impact on the economic viability of that development
- c) an apportionment assessment (if there is more than one material interest in the relevant land) ; and
- d) A declaration that the claimant has sent a copy of the completed claim form to the owners of the other material interest in the relevant land (if any).

A decision on exceptional circumstances relief does not have to be reached in order to determine the current application. Although some evidence of the costs of the refurbishment of the grade II* listed buildings has been submitted, this is not sufficient to address the question of whether Exceptional Circumstances relief is likely to be appropriate. This issue will need to be resolved prior to commencement to development.

5.2.15 **CS9 – Green Infrastructure and Biodiversity.** The application includes areas of landscaped open land alongside the River Hipper, which is welcomed. A detailed scheme of landscaping should be secured by condition that maximises biodiversity and relates to the river environment. Measures to enhance bird roosting should be incorporated into new buildings wherever possible.

The proposed development includes a significant proportion of residential development and consideration should be given to the provision of on-site open space. Substantial informal space is provided alongside the River Hipper, however Leisure Services should be consulted on whether a need exists for on-site play provision in the form of a LEAP. If required, this should be secured by condition along with a management agreement for its future maintenance.

5.2.16 **CS11 – Range of Housing** - The policy requires the provision of up to 30% of units as affordable housing, subject to viability. The applicant has provided a schedule of costs, but not an assessment of viability and provided no indication of what would be an appropriate level of affordable housing in the circumstances. In the absence of such evidence the requirement for 30% stands and should be secured by section 106; as is further confirmed and advised by the Council's Housing Services team in their response dated 22 January 2016.

- 5.2.17 **CS13 – Economic Growth.** A local labour clause should be sought and secured by condition or legal agreement and this is reflected in the comments of the Council Economic Development Unit in their response dated 02 February 2016 and 15 November 2016.
- 5.2.18 **CS18 – Design** A scheme of public art equivalent to up to 1% of the development costs should be sought and provided on site, secured by condition or planning obligation.
- 5.2.19 **CS19 – Heritage.** The site contains the grade II* listed Walton Works mill complex and part falls within the Chatsworth Road Conservation Area. The detailed comments of the council's Conservation Officer and other statutory and non-statutory bodies are considered in more detail in section 5.4 below.
- 5.2.20 **CS20 – Influencing the demand for travel.** The policy seeks to maximise walking, cycling and the use of public transport, prioritising pedestrian and cycle access to and within sites, protecting and improving the strategic pedestrian and cycle network and investigating sustainable transport measures within the A619 Chatsworth Road.

Conclusions

- 5.2.21 The principal of the proposed uses meets with the requirements of the council's spatial strategy as set out in policies CS1, CS2 and CS3 and the requirements of the sequential and impact tests set out in the NPPF. Further detail is required of how the development will address the enhancement of walking and cycling connections including the Hipper Valley route and north-south connections across the site to Chatsworth Road. These should ideally be provided before determination of the application or, if necessary, required by condition. There are concerns about the layout and urban form proposed for the Chatsworth Road frontage. Details of landscaping and planting, and Local Labour agreement, a scheme for public art, and if necessary provision and maintenance of on-site public open space should be secured by condition and/or legal agreement. A Legal agreement for the provision of 30% of all units as affordable housing should be sought.

5.2.22 The sections of the report to follow will set out and consider in further detail issues specifically arising as a result of the nature of the development proposals including background appeal decisions and legislation influencing the potential determination of these specific applications. The remainder of this report will address any outstanding matters highlighted for further consideration in the 'principle' section above and include therein the comments and representations received from all statutory and non-statutory consultees as listed in section 1.0.

5.3 **Determining applications with a significant Heritage Asset interest**

5.3.1 Given the significance of Walton Works as a grade II* listed building (only around 8% of listed buildings are grade I or grade II*) chapter 12 of the NPPF 'conserving and enhancing the historic environment' states that local planning authorities should take account of:

The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.

The desirability of new development making a positive contribution to local character and distinctiveness (paragraph 131).

5.3.2 In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting (paragraph 128).

5.3.3 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site.
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.

- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible.
- The harm or loss is outweighed by the benefit of bringing the site back into use (paragraph 133).

5.3.4 In these circumstances, local planning authorities should assess whether the benefits of a proposal for this type of enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies (paragraph 140).

Relevant Guidance

5.3.5 In respect of these applications the applicant is making the case that works to restore and convert the listed building in its own right are not viable and subsequently to afford the works the applicant has made a case on viability grounds that the associated retail and residential development is required to provide the finances. This includes funds for the refurbishment of the grade II* listed buildings and means an ‘enabling’ argument may be relevant. The enabling argument is referred to when there is a conservation deficit and when development that would otherwise be considered harmful to a listed building and/or its setting, is considered acceptable because it would facilitate (or ‘enable’) benefits that outweigh that harm. In these circumstances the relevant non-statutory guidance is ‘Enabling development and the conservation of significant places’ (Historic England, 2008).

5.3.6 Other relevant non-statutory guidance is Historic England’s The Setting of Heritage Assets (2015) which provides guidance when considering heritage assets and their settings.

Legislation - Conservation

5.3.7 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:
In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 5.3.8 Recent Case Law has demonstrated the importance of considering the importance of the setting of listed buildings when assessing applications. For instance: the Court of Appeal decision in the case of *Barnwell vs East Northamptonshire DC* (2014) made it clear that in enacting section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Parliament's intention was that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise'.
- 5.3.9 From this case it is clearly necessary to give not just careful consideration regarding whether there would be some harm but considerable importance and weight when balancing the advantages of the development against any such harm. It is not simply a matter to be weighed in the planning balance with equal weight to those factors which do not benefit from statutory protection. In the case of *Forest of Dean DC v SoS* 2016 the interaction between paragraphs 14 and 134 of the NPPF was considered. Paragraph 14 provides a presumption in favour of sustainable development and where the development plan, or relevant policies are out of date, granting planning permission unless, when assessed against policies in the NPPF taken as a whole, or specific policies in the NPPF indicating development should be restricted (footnote 9 gives the example of one such policy relating to designated heritage assets).
- 5.3.10 Paragraph 134 provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against public benefits of the proposal, including securing its optimum viable use.
- 5.3.11 Paragraph 134 is therefore a policy indicating development should be restricted and not a situation where the presumption in favour of granting planning permission does not apply. It provides for a balancing exercise between less than substantial harm on the one hand and the public benefits on the other. Hence under the NPPF the exercise at paragraph 134 and the second section of paragraph 14 has to be undertaken when there is less than substantial harm to the significance of a designated heritage asset. Where development harms a listed building or its setting, the

decision maker has to give the harm considerable importance and weight.

- 5.3.12 Under the current amended Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015, local planning authorities are required to consult with the Historic England or National Amenity Societies if the works are to a grade I or grade II* listed building or there are ‘relevant works’ (involving demolition) to a grade II listed building.
- 5.3.13 Where the local planning authority intend to grant consent for works to any Grade I or II* listed buildings or certain works to grade II listed buildings where Historic England or any of the National Amenity Societies are notified and object, then the Secretary of State must be notified. The Secretary of State would then consider ‘calling in’ the application for his or her own determination instead of the local planning authority. Should the application be called in, then a public inquiry would be held (procedures of which are set out in The Town and Country Planning (Inquiries Procedure) (England) Rules 2000).

5.4 **Heritage Impact Considerations**

- 5.4.1 In the context of the heritage considerations set out above the site and the application proposals include works to the Walton works grade II* listed mill building, subsequently as well as there being an immediate heritage impact to consider by the works proposed to this building. The application site and the proposals set out are also in part located in the Chatsworth Road Conservation Area. Furthermore given the historic use of the site connected with the listed mill this means there is an industrial archaeological heritage interest which should also be considered when assessing the potential impacts and suitability of the development proposals.

Heritage Asset Background

- 5.4.2 Walton Works is a grade II* listed building and the list description usefully defines why the building is considered to be of outstanding significance:

This mill complex is of outstanding interest because of the probably unique and very significant form of construction of two core buildings but also because of the survival of so

much of a large complex which has evolved over a long period. The 1st and 2nd floors of building 7 have the same fire-resistant construction as that first employed in Jedediah Strutt's Milford Warehouse of 1792/3 (demolished), one of the first factories with fireproof construction in the world. They are survivals of a proto-fireproofing technique which by 1796 had been further improved by the substitution of cast-iron for the vulnerable timber beams.... The two buildings are of outstanding significance for their employment of these early fireproofing techniques and the whole, with its long evolution which also contains elements of great interest, shares in this overall importance.

Of particular note are Buildings 7 and 11 dating from the late 18C and early 19C. Within building 7 the fireproof construction of cast iron columns supporting plaster protected timber beams carrying plated timber skewbacks and brick jack arches with longitudinal tie rods, survive. In the later Building 11, the slow burning construction of massive timber beams with very unusual c.3" thick wide boards laid directly on the beams also survives - a technique which spread to and developed within mill construction in the United States.

5.4.3 Part of the application site also lies within the Chatsworth Road Conservation Area, and the conservation area appraisal (2014) provides a good analysis and summary of the special interest of this designated heritage asset. The conservation area is a rich historic townscape of late 19 and early 20th properties lining the main road in a linear form. The appraisal comments that the public house, cottages Nos. 324-328 and Coronation Gardens contribute positively to the streetscene and area as a whole in terms of architectural, historic and aesthetic interest. Though in a poor state of repair, the buildings are recognised in the appraisal as being of townscape merit.

5.4.4 The hybrid planning application proposals are set out in three component parts as follows:

- a) a full planning application for the conversion of the listed mill building;
- b) a listed building consent to facilitate the listed mill conversion; and
- c) an outline planning application development in the setting of the listed mill and within the conservation area.

As a result of the component applications being intrinsically linked all statutory and non-statutory consultees with a specifically 'heritage' interest were invited to view and comment on all parts of the development proposals.

5.4.5 As a result of initial consultation the following summary of comments were received from consultees specifically with a heritage background:

<p>Historic England – 23 February 2016</p>	<p>In its current form, we advise the proposals for the listed building constitute harm to the heritage significance of the listed building - the degree of harm cannot be fully assessed without further detail. Though we understand the buildings have been left vacant for many years now and that residential and retail use might be the most viable option, the justification for this scheme in our view is lacking. This is not in accordance with paragraphs 128 and 129 of the NPPF. On the basis of the submitted information, we do not consider that the public benefit of housing - in the form proposed, and bringing the building back into use, would outweigh the harm to the significance of the listed building. We believe there is an opportunity to convert this listed building in a manner compatible with its special interest and this will rest with the extent of residential conversion and the manner in which this is achieved. We also recognise there parts of the mill complex which could potentially sustain a greater degree of intervention and there are other parts including Buildings 7 and 11 that cannot without causing significant harm. We strongly advise that an amended scheme is produced and if the principle of this is accepted, that confidence in a quality scheme is secured through sufficient detail, which is proportionate, and is considered prior to determination (rather than via condition). We have no objection to the principle of the additional development on the site and</p>
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	<p>believe it is for your authority to consider all planning matters relating to this scheme. We do not support the demolition of the cottages and public house fronting Chatsworth Road which forms part of the hybrid application. Unless this is omitted from the scheme we cannot support the planning application.</p> <p>Accordingly, in its current form, Historic England cannot support the listed building application and hybrid planning application. Unless the scheme is amended, we object to the application for listed building consent for the reasons given above. We urge your authority and the applicant to work together to amend the scheme to address our advice above. If your authority is minded to approve these applications in their current form, for the listed building application, we wish to maintain a holding objection, allowing us to review our position in light of your authority's recommendation.</p>
<p>Conservation Officer – 01 March 2016</p>	<p>Walton Works is one of the most important regeneration sites in Chesterfield Borough and its redevelopment and restoration offers the potential for significant improvements to the quality of the town's built environment, including the historic built environment. Given the grade II* listed status of the buildings and prominence of the Works as you enter the town from the west, the conversion and redevelopment should be a heritage led regeneration scheme, with the proper restoration of the listed buildings at the heart of any improvements. Given the very poor state of the listed buildings (which are on the <i>National Heritage at Risk Register</i> and continue to seriously deteriorate, as witnessed on a recent site visit), I would stress a sense of urgency is required in finding an appropriate and satisfactory restoration scheme.</p> <p>Notwithstanding concerns about the</p>

proposed demolition and redevelopment of the terraced cottages, pub and open space off Chatsworth Road (and the effect this might have on the character of the Chatsworth Road Conservation Area), I would, in principle support the redevelopment proposals, including the conversion of the listed buildings for residential and retail use. The economic and social conditions of twentieth century society dictate that large grade II* listed former industrial mill buildings are unlikely to revert to the type of use originally intended (i.e. a workshop for industrial use). Consequently it is important that appropriate and sustainable new uses can be found, such as residential and retail. But this is predicated on further information being submitted to demonstrate that the conversion of the listed buildings will not impact negatively on their character, appearance and architectural integrity. Whilst the applicant has submitted a fairly robust Heritage Statement (in accordance with paragraph 128 of the NPPF) more information is required to understand more fully the nature of the residential/retail conversions and the impact the reconfigurations will have on historic fabric. I would recommend further information is submitted during the application process or requested via conditions on any listed building consent.

I would also highlight that given the obvious major financial commitment required to restore the listed buildings (the applicant has demonstrated a clear 'conservation deficit'), then the applicant could, if they so wish, explore alternative sources of public funding such as those grant schemes offered by the Heritage Lottery Fund (e.g. Heritage Enterprise funds). I would be happy to liaise with the applicant in discussing these matters in more detail.

<p>C/Field Civic Society – 04 March 2016</p>	<p>The CCC endorses the comments received from HE, AfIA, NEDIAS, GG and D&D DC Arch.</p> <p>In addition having consulted an expert in historic water powered mills CCC raised the following additional concerns:</p> <ol style="list-style-type: none"> 1. The proposals for the proto-fire resistant building show apartments on all three floors with sub-division of each floor presumably up to ceiling level. This will almost certainly hide the unique construction of the fire-proof elements. 2. The ground floor of the immediately adjacent building to the south for which retail use intended, is the site of the original water wheel and pit. The proposals show no recognition of the water power archaeology in this area. 3. The balconies and the new stair towers will detract from the historic character of the original building. 4. The water tank ought to remain as a solid structure as this is part of the industrial heritage. 5. The area edged red does not necessarily coincide with the curtilage of the historic building, it may be larger. 6. The proposal is unconvincing and lacking in sufficient detail. The developer needs to demonstrate better how this important building complex can be conserved through new uses.
<p>The Association for Industrial Archaeology – 11 February 2016</p>	<p>The significance of the listed building is noted however it is also observed that the building has been unused for some time and it is essential a new use is found for it.</p> <p>It is noted that residential use is proposed, and albeit not the most suitable it is the most secure. The proposed use of the ground floor for retail will ensure there is a balanced use of the mill.</p> <p>More detailed observations of specific components of the building and its features</p>

	<p>are offered by the AfIA but the AfIA is generally supportive of the application providing care is taken to ensure the fire proof features that make the mill so important are retained and understood; furthermore new feature should not detract from the original building.</p>
<p>Council for British Archaeology – 11 February 2016</p>	<p>The CBA objects to the application as it stands as the application does not provide enough detail to accurately assess the impact on the heritage assets as required by the NPPF; there is a discrepancy between the heritage assessment and the list description regarding the significance of building 10 which needs to be addressed in advance of considering the application; and archaeological investigation of the built fabric, particularly building 1, is recommended to inform any decision on the site.</p>
<p>North East Derbyshire Industrial Archaeology Society – 11 February 2016</p>	<p>NEDIAS has concerns that the application and proposed internal subdivisions do not appear to take full account of the important parts of the listed mill structure – fire proofing to building 7 and 10. The site itself is in a context of a host of early industry along the river Hipper and it is hoped that when finally brought back into use, as part of an approved plan, the developer would erect suitable interpretation and information boards.</p>
<p>Arkwright Society – 10 February 2016</p>	<p>Requested an extension of time to provide comments so they could review the comments made by the Derby & Derbyshire DC Archaeologist and Historic England. Despite 9 months passing – no further comments were received.</p>
<p>Georgian Group – 10 February 2016</p>	<p>After examining the supporting documentation the GG with to offer comments only in relation to buildings 7 and 10 of the listed mill building. There appears to be discrepancies within the documentation and plans provided affecting the level of subdivision proposed internally.</p>

	<p>The GG have reservations regarding the proposed internal conversion of building 7 as this is a building of clear historic value in the context of Derbyshire mills and the development of fire proof construction for industrial buildings nationally.</p> <p>The Heritage Statement submitted makes it clear that Historic England have advised against excessive subdivision of this building, as well as building 10, and therefore it is considered that the level of division now shown would be significant and detrimental and therefore a more thorough justification must be provided. If not, the application should be refused.</p>
<p>Derby and Derbyshire Development Control Archaeologist – 03 February 2016</p>	<p>After providing detailed comments to the LPA on the previous 2012 scheme it is noted that the current submission relies upon the work contained in these original Heritage Impact Assessment and Archaeological Desk Based Assessment documents yet the current scheme appears to differ somewhat inc. the addition of terrace buildings to the south of the listed mill and the layout of the residential and retail units to the east have also changed. It is also noted that the layout of the conversion of the listed mill is different and together these alterations may introduce potential archaeological impacts, harm to the heritage asset and harm to the setting of the asset not assessed.</p> <p>Although the previous assessment provide a good baseline the lack of update means the LPA cannot judge the proposed levels of impact to the heritage assets required by para. 128/129 of the NPPF.</p> <p>To address this omission the applicant should provide an updated Heritage Impact Assessment.</p>

5.4.6 As a result of receiving the schedule of comments above the applicant / developer met with a representative from Historic England, the Case Officer and the Councils Conservation Officer to

discuss ways in which the objections and concerns raised could be addressed. The applicant / developer asked for advice how the LPA could assist in facilitating solutions to the issues on the basis the application was a hybrid application and that there were still so many variables about the development proposals which might change as reserved matters applications came forward on the back of any consent granted, some of the further survey works being sought by consultees would be costly and potentially abortive as the scheme evolved.

5.4.7 In consultation with the Councils Conservation Officer the applicant / developer prepared a series of revisions to the proposed conversion of the listed mill building and a package of revised plans were submitted to reflect these changes in April 2016. Alongside these revisions a table of 'outstanding matters' was compiled which further required the applicant / developer to set out their intentions on such matters; which the Conservation Officer considered could be appropriately addressed by imposing appropriate conditions to any planning permission / listed building consent to require the submission and approval of outstanding details further into the project.

5.4.8 As a result of re-consultation with the statutory and non-statutory bodies above, further comments were received from the Georgian Group 14 November 2016, the Derby & Derbyshire DC Archaeologist 09 November 2016 and Historic England 18 November 2016. All three bodies maintained that the revised information submitted still did not address their initial concerns raised and they upheld their objections. Specifically the comments of Historic England were as follows:

'The information submitted remains lacking in detail and has not sufficiently changed since our meeting in March 2016. Notwithstanding the requirement to robustly justify the extent and form of residential conversion, we previously discussed the benefit of agreeing an approach to the sensitive conversion and upgrading, compatible with its special interest. This has not been forthcoming. We are surprised that where the viability is challenging, the approach to how the building will be serviced, upgraded, and repaired, has not been factored into either the justification for the degree of alteration or the mitigation of harm resulting from the proposed change of use. We advise your authority again to consider whether you have received sufficient

information to have confidence that the proposed scheme will be of quality and is sustainable.

We note changes are proposed to buildings 7 and 11, retaining the historic open plan arrangement through office use instead of flats. Whilst this is encouraging, accommodation is now proposed through the addition of an extra storey to building 12 and an additional storey and loss of the original pitched roof to building 13. Both these buildings contribute positively to the significance of the Works, despite their present condition, and form part of the Grade II listed complex. The loss of the traditional Welsh slate pitched roof and replacement with a flat roofed modern addition and the addition to building 12, is considered harmful. The proposed form of the extensions would be in stark contrast to the architectural form of the works. Although Walton Works has a robust industrial character and appearance, and can sustain some change, the proposal does not relate contextually with the character and distinctiveness of the Works buildings. Combined with the stair towers, this will result in visually discordant additions, upsetting the overall composition of the Works. We do not consider the design or materials of an exceptional nature or quality to overcome these concerns. We do not believe the proposed changes to buildings 7 and 11 justify the proposed additional storeys.*

For the other aspects of the scheme, including the windows, openings at ground floor, water tank and stair cores, we refer you to our previous advice dated 23 February 2016.

With regard to the hybrid application including the Chatsworth Road development, our advice has not changed. We welcome the applicant's consideration of retaining the public house - as previously advised, we see no justification has been submitted for this or the demolition of the cottages and redevelopment of Coronation Gardens. We advise these works will have a harmful impact on the significance of the conservation area and that of Walton Works.

Historic England considers that the amended proposal is harmful to the heritage significance of the Grade II listed Walton Works. The degree of harm still cannot be fully assessed without further detail. The justification for the scheme and the proposed amendments is lacking and is not in accordance with paragraphs 128, 129, 132-134 of the NPPF. Whilst recognising the*

amendments to Building 7 and 11, this does not justify harm elsewhere within the site.

Historic England objects to the listed building application and the hybrid planning application on heritage grounds. We consider that the application does not meet the requirements of paragraphs 128-129 and 132-134 of the NPPF. We recommend that you seek amendments or further information as set out above. If however your Authority is minded to determine the application in its current form, please treat this as a letter of objection and take our position into account in determining the application.'

5.4.9 Notwithstanding the above however the following comments in contrast, were received from the Council's Conservation Officer:

'The main revisions are changes to the proposed interior and exterior of the grade II listed mill and a new access road off Chatsworth Road (which would cross the River Rother, enter the main site and provide access to Goyt Side Rd). As the remainder of the proposals remain the same as originally submitted (notwithstanding updated evidence base documents), I attach my previous comments which I would still refer to (where relevant).*

The proposed revisions to the grade II listed mill are as follows (my reference to building numbers duplicates the building numbers in the applicant's Heritage Statement Addendum, Appendix 1, Dec 2015):*

- Additional floors for buildings 12 & 13 (which are buildings of relatively limited architectural and historic value according to the applicant's Heritage Statement) made up of two open plan apartments for each new floor with elevations constructed in 'metal faced cladding' and windows made up of 'frameless toughened glass'.*
- Less compartmentalisation of the interior of buildings 7 & 11 (buildings with significant architectural and historic value) on the basis that less compartmentalisation limits the impact on the slow burning floor construction and open character of the layout.*
- A new small glazed ground floor entrance lobby for buildings 7 & 11.*
- Less compartmentalisation of the top floor of building 11 (on the basis that this will retain the openness of the room space and expose more of the existing roof trusses).*

Regarding the additional metal cladded new floors for buildings 12 & 13, this will introduce new contemporary visual elements into the mill complex and result in significant changes to the character and appearance of buildings 12 & 13. My view is that introducing contemporary elements to listed or historic buildings is an appropriate strategy, subject to good design and minimising any negative impacts on existing features of historic or architectural significance (I note that the applicant's Heritage Statement Addendum (Heritage Collective, 2015) concludes that buildings 12 & 13 have moderate or limited architectural and historic value). In assessing the impact that the increase in heights of buildings 12 & 13 will have on the overall mill complex, my view is that the increase will not lead to an over dominance of buildings 12 & 13, primarily because these buildings are set back from the main eastern elevation, but also because they would still be subordinate (in terms of height) to the former water tower (which is a key visual component of the mill complex).

Revisions to the floor layouts were the result of discussions that took place between the applicant, the planning authority and Eilis Scott from Historic England in March 2016, the aim being to clarify and discuss concerns about, amongst other things, the lack of detail to properly assess the compartmentalisation of sensitive areas of internal layout (particularly buildings 7 & 11). Other issues were set out in a Word table which the applicant responded to and which was seen by all parties (I attach for convenience). With this information in mind, my view is that the proposed changes to the mill complex are acceptable. However, this is subject to the following information being submitted by the applicant for subsequent approval by the planning authority (via conditions on the listed building consent):

Windows & doors schedule of works – this should show any proposed changes to existing windows and doors throughout the mill complex and show the proposed design and materials for any new windows and doors. This includes the proposed ground floor glazed entrance lobby for buildings 7 & 11. Robust justification will be required to justify the replacement of any windows and doors with historic and architectural value.

Interior schedule of works – detailed floor plans should show how the proposed room layouts will impact on the interior of the listed buildings. The emphasis should be on demonstrating that the

proposed layouts do not cause harm to those elements of the mill buildings' interior that have significant architectural and historic value. (e.g. the applicant will need to show how the apartments will work with the cast iron columns, brick arches and historic floor structures and how these and other features will be preserved or enhanced).

Service plan or plans – these should clarify the location of main service runs and plant relating to gas, electricity, ventilation and waste. The emphasis should be on reducing the visual impacts on the character and appearance of the listed buildings.

Material samples or specifications – clarity is required regarding proposed materials for any new roofing materials, brickwork, stonework and re-pointing. Clarity is also required about proposed materials for the external lifts and additional floor elevations (e.g. the type of cladding and balustrade material and design).

Rainwater goods strategy – clarity is to be required regarding the approach to rainwater goods such as guttering, down pipes and hoppers.

New floors and lifts – section drawings should show how newly constructed elements such as the new floors and external lifts connect and relate to existing elevations (e.g. details of any proposed cornicing, exposed brickwork, etc).

Steel water tank viewing platform – proposed changes to the existing water tank tower should be shown or described in more detail.

The above ought to be submitted to the planning authority for approval prior to any internal or external works to the mill complex commencing. I would also recommend, as tends to be normal practice in these circumstances, that a legal agreement is in place to ensure that key remedial works take place to the listed mill complex buildings prior to development commencing on the separate standalone retail and residential development (as proposed under CHE/15/00832/FUL). What constitutes these remedial works should be agreed between the planning authority and applicant prior to any legal agreement being formalised, but they should at the very minimum include works that make the mill complex buildings properly water tight and protected from the elements (with the aim of stopping any further deterioration).'

- 5.4.10 In the context of the comments received from the statutory and non-statutory bodies highlighted above it is clear that there are conflicting opinions over the acceptability of the scheme of works

proposed as part of the hybrid planning application and application for listed building consent. Notwithstanding this the LPA, as decision maker, has a duty to weigh all of the considerations to inform a balanced judgement over the impact of the development upon the designated heritage asset (the 'harm' – substantial or less than substantial) and the public benefits of the scheme as a whole.

- 5.4.11 Looking in turn at each component part of the application proposals there are principally three key heritage issues raised in respect of the proposals which need further deliberation. Firstly there is the conversion works proposed to the listed building, secondly there is the impact of the outline proposals upon the setting of the listed building and thirdly there is the townscape impact upon the conservation area arising from the proposed demolition of No's 318 – 328 Chatsworth Road and the Coronation Gardens.

Conversion of the Listed Building

- 5.4.12 The proposed conversion of the listed mill building is the only element of the application submission which is sought to be considered in (detail) full; with all other elements of the hybrid application being outline. To this effect there have been detailed elevation and floorplan drawings prepared (and revised).
- 5.4.13 It is clear from the comments made by Historic England and the Conservation Officer above what makes the building so architecturally significant and these detail why the mill building is listed. Notwithstanding this, since the building ceased operating in the early 2000's the building has lain vacant and has fallen in to a severe state of disrepair resulting in its placement on the heritage 'at risk' register.
- 5.4.14 In 2014 the building was occupied (unlawfully) by a war / horror games operator which albeit offering some degree of securing the building from further vandalism and damage; it is clear that the operation is enhanced by the derelict and vacant state of the building which unfortunately does not viably secure the clearly much needed repair work to the fabric of the building and it continues to deteriorate.

5.4.15 Based upon the policy assessment set out in previous sections of this report it is considered that the proposed mixed use of the building with commercial uses at ground floor and residential uses to the upper floors are appropriate in the site context. However it is accepted that in agreeing such uses facilitating the conversion of the building is likely to compromise the current internal layout; as upgraded services and compartmentalisation of the building will be needed to bring it up to current building regulations standards suitable for future occupation.

5.4.16 It is noted that Historic England has been critical of the lack of detail accompanying the application submission and this forms the basis of their objections. Notwithstanding this however, the LPA recognise that whilst the application is a hybrid application with the conversion detailed in full, investment in the listed building can only take place if it is cross funded by the other elements of the scheme. Therefore there is an opportunity for the LPA to provide some degree of development facilitation by accepting the details of the application as it stands and securing the information absent by pre-commencement planning condition (as has been suggested by the Conservation Officer) and detailed in the table below.

Grade II* former mill buildings					
1. Issue	2. Existing information	3. Further information required from the applicant	IBBOTSON ARCHITECTS RESPONSE	4. Why is further information required?	5. Potential Listed Building Consent Conditions (LBCC)
<i>How the interior detailing of the apartments will work, particularly in relation to the subdivision of buildings 7 & 11</i>	<ul style="list-style-type: none"> - Ground floor plans showing room layouts. - Heritage Statement identifying areas and features of historic/architectural significance. 	Clarity required regarding: <ul style="list-style-type: none"> - 3.1 How the apartments will work with the cast iron columns, brick arches and historic floor structures and how these and other features will be preserved or enhanced. - 3.2 How acoustic separation will be achieved. 	<p>3.1 our next stage of design development will be to prepare specific details (1:20 scale) which will address how we preserve/enhance these items. These are details we trust can be conditioned.</p> <p>3.2 we will work alongside an acoustic consultant to establish the sound reduction index of the existing structure and establish the specification of any additional works. For example,</p>	To ensure protection of historic fabric and avoid excessive subdivision of existing interior space.	<ul style="list-style-type: none"> - LBCC requiring full M&E plan submitted for approval prior to commencement of works to listed buildings. - LBCC controlling any alterations or removal of significant architectural/historic features prior to further detailed room/floor plans being submitted.

		<ul style="list-style-type: none"> - 3.3 What the approach will be regarding mechanical & electrical services. - 3.4 The treatment of the attic room in Building 7 (the aim being to avoid unnecessary impact on the open nature of the space/trusses). 	<p>floating floor. This will sit on the existing floor structure and will retain views to the underside of the jack arch flooring.</p> <p>3.3 we will work alongside services consultants to establish the route of services and location of plant. These are details we trust can be conditioned.</p> <p>3.4 this relates to apartment 21 : We have reviewed the plan to reduce the amount of internal walls. All new partitions, throughout the entire scheme, have been located to ensure that wherever possible, the columns are on show and are not lost within the thickness of partitions.</p>		
External stair cases	Ground floor plans and elevation drawings.	<p>Clarity required regarding:</p> <ul style="list-style-type: none"> - 3.5 The design of the roof forms of the external staircases and how they will relate to the existing roof forms. - 3.6 Below ground archaeology. 	<p>3.5 our next stage of design development will be to prepare specific details for the circulation enclosures. These will be designed as a contemporary addition to the historic fabric of the Mill. High specification finishes include frameless glazing and composite wall panels in neutral grey tones to compliment the warmth of the brickwork. We shall explore the panel finish to establish the best fit in terms of colour, texture and performance.</p> <p>3.6 Archaeological monitoring via a Written Scheme of</p>	<ul style="list-style-type: none"> - To protect the external appearance and character of the listed buildings. 	<ul style="list-style-type: none"> - LBCC requiring further design details for approval prior to external staircase installation. - Archaeological monitoring via a Written Scheme of Investigation (planning condition).
			Investigation (planning condition).		
Balconies and lowering of windows for access	Elevation drawings.	<ul style="list-style-type: none"> - 3.7 & 3.8 Justification for the works. 	<p>3.7 external space to be provided to residential units - health and well-being!</p> <p>3.8 LOWERING OF WINDOWS</p> <p>Rhythm to the fenestration has been retained.</p> <p>Openings are required for external connectivity to both retail units and residential. Alternative is to fit circulation cores internally which is clearly not the preferred option.</p> <p>This was supported previously by English Heritage in the 2012 application.</p>	<ul style="list-style-type: none"> - Protection of historic fabric and the character & appearance of the listed buildings. 	<ul style="list-style-type: none"> - LBCC requiring further design details for approval prior to any new balcony works and lowering of windows commences.
Steel water tanks and viewing platform	Elevation drawings.	<ul style="list-style-type: none"> - 3.8 Justification for the works. 	<p>3.5 our next stage of design development will be to prepare specific details for this. It offers a unique vantage point which would be shared with residents/tenants.</p>	<ul style="list-style-type: none"> - Protection of the character & appearance of the listed buildings. 	<ul style="list-style-type: none"> - LBCC requiring further design details for approval prior works to steel tanks and installation of viewing platform.
New door openings for retail access on ground floor of building 9	Elevation drawings.	<ul style="list-style-type: none"> - 3.9 Justification for the works. 	<p>3.9 Rhythm to the fenestration has been retained.</p> <p>Openings are required for external connectivity to the retail units.</p> <p>Offers external seating space which brings life and energy to the complex.</p>	<ul style="list-style-type: none"> - Protection of historic fabric and the character & appearance of the listed buildings. 	<ul style="list-style-type: none"> - LBCC requiring further design details for approval prior to any new balcony works and lowering of windows takes place.

			This was previously supported by English Heritage (as it was then) on building 9 as part of the 2012 application and the pre-app to this. (Heritage Statement p7)		
Existing windows	Heritage Statement and elevation drawings	- 3.10 Robust justification for historic window alteration or removal.	<p>3.10 It is recognised that the majority of the windows are predominantly non-original casement windows with some original examples remaining.</p> <p>It is the intention to prepare a window schedule to identify these and to establish the works and associated costs required to either retain/repair or replace.</p> <p>We shall consult with both acoustic consultants and services consultants to establish the balance of retention of single panel or the addition of double glazing.</p> <p>We believe both natural light and natural ventilation to be essential in residential schemes. Whilst an enclosed-air system may be viable from a performance requirement point of view, this is less preferable to the ability to 'fling the windows open'.</p>	- Protection of historic fabric and the character & appearance of the listed buildings.	- LBCC requiring full Window Schedule for approval prior to any works to windows taking place (a Windows Schedule would comprise a full audit of all windows; justification for any changes to existing; and full design details for proposed).
Other works					
Issue	Existing information	Further information required from the applicant		Why is further information required?	Potential Listed Building Consent Conditions (LBCC)
Chatsworth Road frontage changes (demolition of pub and terraced cottages and redevelopment for pub and car parking)	- Site plans and indicative outline drawings showing proposed massing, design principles and orientation of new proposals.	- 3.11 Robust justification for the demolition and proposed new works (including that new redevelopment/ new layout will enhance the setting of Walton Works and the character and appearance of Chatsworth Road Conservation Area.	<p>3.11 Walton Mill is identified as a designated heritage asset of special architectural and historic interest. We view the Mill Terrace buildings to be of similar merit. We wish to enhance the setting of the Mill and Mill Terraces and to visible and physically link the entire site.</p> <p>The retention of the Chatsworth Road buildings, of lesser architectural merit, does not effectively allow the visual and physical link we seek.</p> <p>Our client is in dialogue with Pub Operators to best establish the way forwards regarding the Public House. One option would be to retain the pub and to add a high-quality design extension.</p>	- To assess the impact on the setting of Walton Works and justify the changes to the appearance and character of the conservation area.	N/A
Design of standalone housing and retail units	- Site plans and indicative outline drawings showing proposed massing, design principles and orientation.	- 3.12 N/A – full design details can be assessed by the planning authority at reserved matters stage.	<p>Noted thank you</p> <p>We aspire to high-quality design and respect the historic and architectural values of the setting. Our design will be sympathetic to this without pastiche references.</p>	N/A	N/A

5.4.17

It is clear given the narrative in the table above that the LPA and the applicant consider there is an appropriate mechanism in which pre-commencement planning conditions and obligations can be imposed which would allow the LPA to secure an appropriately detailed assessment and schedule of works to the listed building which would comply with the provisions of policies CS18 and CS19 of the Core Strategy and the wider NPPF enabling them to grant planning permission and listed building consent for the conversion of the mill building.

Setting of the Listed Building

- 5.4.18 Having regard to the nature of the application submission the assessment of the impact of the development proposals upon the setting of the Listed Building (Walton Works) is to a degree limited to considerations of the principles of development, due to the fact this is a hybrid application and all the development in the setting of the building is submitted in outline with all matters reserved.
- 5.4.19 In considering impact on the setting of the listed buildings, the overriding policy requirement is that provided by local policy CS19: Historic Environment and the NPPF's '*conserving and enhancing the historic environment*'. Both policies are clear that the key aim is to protect and enhance heritage assets, including listed building and their settings. This requirement is particularly acute given the significance of grade II* listed buildings (only around 8% of listed buildings are grade I or grade II*, the remainder being grade II).
- 5.4.20 Clearly the site is located in an area with a diverse range of surrounding land uses and therefore a mixed use development of the nature proposed comprising retail and residential uses would be perfectly acceptable when considering the location of the site and its relationship / setting.
- 5.4.21 Historically Walton Works was an industrial mill building and operated as a component part of the industrial corridor south of Chatsworth Road. It is therefore reasonable to presume that the siting, scale and design of development coming forward under a mixed use permission of this type would need to reflect the industrial heritage of the site. Whilst the current position on site is one of a cleared / derelict previously developed parcel of land the site was previously densely occupied by associated industrial / commercial, large format buildings which have been cleared. Therefore development on and around the listed building is not inappropriate; however the design and siting of any proposals would need to respect the setting of the listed and enhance its presence. The LPA would seek to engage in early pre-application discussions about the form and formation of any reserved matters submission to ensure the development preserves and enhances the listed building and its setting.

5.4.22 A component part of the application submission, albeit in outline at this stage, involves the demolition of properties fronting Chatsworth Road and there have been concerns raised by a number of statutory consultees about this element of the proposals. Notwithstanding this in considering the impact upon the setting of the listed building there is merit in arguing these proposals would enhance the setting of the listed building as it would introduce clearer views of the mill building from Chatsworth Road, where currently the building is only glimpsed and predominantly obscured by the ribbon form of development. This would improve / enhance the relationship of the development and its connectivity with the adjoining district centre.

Townscape Impact upon the Conservation Area

5.4.23 Considered to some degree in the context of the setting of the listed building, the development proposals also include elements of proposed demolition works in the Conservation Area which require planning permission in their own right. This includes the loss of No's 318 – 328 Chatsworth Road and the Coronation Gardens (seen in the streetview images below).





- 5.4.24 A number of consultees have raised concerns about the loss of these buildings and features which are recognised to make a contribution to the character and appearance of the Chatsworth Road conservation area; however with the exception of the PH (No 318) the cottages and the coronation gardens are all derelict, overgrown and boarded up / closed to the public and have been for a considerable amount of time. Their appearance in this state (very like the listed mill building) currently detracts from the character / appearance of the conservation area.
- 5.4.25 As a component part of a much wider scheme of redevelopment it is argued that whilst the loss of these buildings is of detriment it does open up views of the listed mill building complex behind which would assist to give the building a much greater degree of visual presence and inclusion in the Chatsworth Road district centre (thus enhancing its setting). Furthermore based upon the principles of layout and connectivity set out in the indicative site plan the loss of No's 318 – 328 would introduce and facilitate a point of connectivity between the site and Chatsworth Road which is argued to be a further public benefit.

Conclusion

- 5.4.26 Notwithstanding the impacts on the historic setting of the listed buildings, it is considered that the proposals are consistent with local and national planning policies that seek to promote sustainable development.
- 5.4.27 Whilst there will be changes and resultant impacts on the setting of the listed building and the townscape of the conservation area these are considered to be justified on the balance of the impacts identified. It is clear that both national and local planning policy offer a framework to manage the transition / evolution of development with heritage implications and sites of this nature (which have significant regeneration opportunities that are regarded as a local priority) need to be supported if it is considered that the public benefits of the scheme outweigh the harm. Furthermore it is considered that the LPA can retain appropriate control through planning obligation and conditions to ensure that the detail of the scheme moving forward is appropriate and investment in the heritage asset is not undertaken. There is no doubt that in its current condition the listed building is at risk (it is on the at risk register) and it is considered that there is further argument for the LPA to be positive and proactive in supporting a scheme of this nature to seek to facilitate a recognised and approved use for the building to allow the landowner or prospective developer some comfort to secure development investment in the site.
- 5.4.28 On this basis the impact should be assessed in the context of paragraphs 133 and 134 of the NPPF. If, as Historic England and others indicate, the impacts of the development are substantial, then the criteria in paragraph 133 of the NPPF should be met:
- The nature of the heritage asset prevents all reasonable uses of the site.
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.
 - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible.
 - The harm or loss is outweighed by the benefit of bringing the site back into use.

- 5.4.29 If the impacts are deemed to be less than substantial, then paragraph 134 of the NPPF should be met which states that any harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.4.30 Regarding paragraph 133, the applicant has provided evidence to demonstrate to the LPA that the restoration of the listed building is not in its own right viable without cross funding from the additional proposed development (there is a clear conservation deficit).
- 5.4.31 The harm or loss caused by the proposed development is considered to be outweighed by the benefits of securing an appropriate use of these important listed buildings. Whilst it is considered to be a finely balanced argument, the applicant's proposals are considered to have public benefits that outweigh the harm caused by the proposed development. These public benefits include: the securing of a long-term use for the listed building to support its restoration and renovation; new residential development in a sustainable location; improvements to the listed buildings and enhancement to its setting; and the ongoing maintenance and protection of the listed buildings and probably most importantly the maintenance of a viable use within the heritage asset set against the very real threat of an uncertain future for the buildings. It follows that the proposal will secure an optimum viable use for the site. Considering all of the above, it is considered that the proposed development can be accepted.

5.5 **Design and Appearance Considerations (inc. Neighbouring Impact /Amenity)**

- 5.5.1 Having regard to the hybrid nature of the application submission the consideration of design and appearance issues and neighbouring amenity impacts are limited to the principles of the proposed development uses. The only element of the scheme which is detailed for full consideration is the conversion of the listed mill building.
- 5.5.2 Looking firstly at the elements of the scheme which are proposed in outline, the introduction of a mix of 'A' class uses and residential development within the site is considered to be acceptable given the surrounding context and adjoining uses. The Council's adopted SPD on Housing Layout and Design should be used to inform and steer the subsequent reserved matters submissions for

new residential development and application of this principles will ensure that the amenity of neighbours sharing immediate common boundaries are protected.

5.5.3 Looking secondly at the elements of the scheme which are proposed in full, the mixed use (GF Retail / Offices and Upper Floors Residential) proposals within the mill building are also considered to acceptable given the surrounding context and adjoining uses. The building has an established relationship with the neighbouring properties which will not change as a result of the proposals. It is considered that appropriate separation distances exist to accept the introduction of residential uses into the building. Furthermore it is noted that whilst the proposals to the listed mill building include the addition of an upper floor to the rear wings of the building in a modern / contemporary design, the introduction of this additional floor will not adversely impact upon the amenity of nearby neighbouring properties.

5.5.4 Associated sections of this report examine in further detail specific design considerations where they are associated with other considerations. It is not therefore necessary to duplicate these considerations specifically again in this section of the report.

5.5.5 Overall in the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded the proposals will not adversely impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies. Notwithstanding this however, due to the proximity of some of the adjoining and adjacent neighbouring properties and internal plot relationships it could be possible that permitted development extensions may pose a threat to privacy and amenity and therefore it is considered necessary to impose a condition removing these rights to maintain control over the future relationship any such extensions or alterations would have upon the neighbours.

5.6 **Transport / Highways Issues**

5.6.1 Looking in the first instance at highway and traffic related matters the initial application submission was accompanied a Transport Assessment Technical Note and associated drawings, which were subsequently superseded by a Transport Assessment (prepared

by AECOM dated July 2016) inc. Alternative Access Strategy (received on 28 October 2016) and a Test Scenario and Technical Note (dated 28th November 2016).

5.6.2 In a similar circumstance to the consideration of heritage issues, the documentation transition and revision described above has been the result of a comprehensive dialogue of negotiations and discussions between the applicant / developer and the **Local Highways Authority (LHA)** to understand the parameters of the proposed development in order to quantify, assessment and set a potential strategy of mitigation against the development proposals and their potential impact upon the surrounding highway network.

5.6.3 There have been a number of meetings between the applicant / developer, their Highways Consultants and the LHA to reach a stage where the following comments were received:

'I refer to the previous Highway Authority response concerning the above application and the subsequent meetings/ discussions concerning the development proposals. Following receipt of the latest details i.e. proposed site plan drg.no. 0209.004 rev G and the Technical Note appended to the e-mail of 28 November 2016, I am now able to make further comment as follows:-

The Technical Note includes a 'Test Scenario' demonstrating how development related traffic can be assigned in a way in which to minimise the impact on operation of the existing highway network that, it is accepted, is already at, or close to, theoretical capacity in several locations. It's agreed that impact of the development should therefore be minimised and the site will need to be built out in a manner to ensure that traffic flows at each access point do not exceed those predicted in the Technical Note at any time. The suggested minimised impact requires restricting vehicles exiting Factory Street to left turn only and is heavily reliant on encouraging use of the Dock Walk link to Boythorpe Road. The latter being the case, it's considered essential that the entire route between the site and Boythorpe Road is within control of the Highway Authority. This will require the existing private length of Dock Walk (the submitted details confirm that this is within the ownership of the applicant) to be brought up to a standard suitable for adoption and being offered to the Highway Authority for future maintenance at public expense prior to any increase in traffic resulting from the development site.

A scheme of monitoring will need to be agreed and implemented to ensure that the design traffic flows associated with the development at all access points are not exceeded. If, or when, the agreed thresholds are reached, development of the site will need to be ceased until such time that further mitigation to offset the additional development traffic can be introduced.

It's understood from meetings held with the applicant that, although the submitted details indicate that the 2no. retail units on the former Walton Works site are to be considered for Outline Consent, delivery of these units will be required in order to fund the restoration and conversion of the Walton Works building. This being the case, it's likely that a greater amount of accommodation Works will be required at an early stage than would be the case if the renovation Works alone were to come forward.

The currently proposed layout involves accessing the former Walton Works site from four points on the existing highway network these being:-

- A new junction with Chatsworth Road*
- A new junction with Factory Street*
- A modified access with Walton Fields Road*
- A modified access with Goytside Road.*

The applicant would appear to be in control of sufficient land to deliver an acceptable new junction with Chatsworth Road. The Proposed Site Plan would suggest that this junction would primarily serve the proposed retail element on the eastern side of the currently proposed development as well as future residential development in the central area of the site. Although it's unlikely that the Highway Authority would have an interest in maintaining the proposed access road whilst serving only retail development, the road will need to be laid out and constructed in accordance with current Highway Authority design guidance. Please note that the internal road layout as currently shown is unlikely to be suitable or acceptable. Some thought will need to be given to the point in building out the development at which this access will need to be provided so as not to exceed the agreed traffic flows at the other accesses.

Although not supported by a detailed design, it's considered that the applicant controls adequate frontage with Factory Street to

create a new junction to serve the development. As the Test Scenario requires all vehicles exiting Factory Street onto Chatsworth Road to turn left, unless otherwise agreed in writing, details of the proposed modification Works to this junction will need to be submitted, approved and implemented prior to the retail or new residential elements of the proposed development being brought into use. In addition, this access will be likely to result in intensified traffic activity on Goytside Road/ Dock Walk therefore detailed designs for the aforementioned improvement Works to this route will need to be submitted for approval and implemented prior to any part of the Outline element of the development being brought into use. It's highly likely that as a consequence of improvement Works to the Dock Walk route there would be a significant increase in traffic activity at the junction of this road with Boythorpe Road. If not at this junction, other junctions with Boythorpe Road and the existing residential estate streets between would no doubt see an increase in traffic activity. It's extremely difficult to predict what future driver behaviour will be where there are a number of alternative routes available and, therefore, the potential impact on operation of the highway network. The Highway Authority would not wish to place an obligation on a developer to deliver mitigation Works in one location when, on development, it may transpire that such Works are required elsewhere. Therefore, it's suggested that operation of the local network is monitored over the period from commencement of development to 5 years post full completion of the entire development and funds are secured under a Section 106 Agreement for the investigation into, and any subsequent implementation of, any traffic management measures that prove necessary to mitigate the impact of the development (e.g. modification of existing junction layouts; introduction of traffic signals; Traffic Regulation Orders for parking or access only; etc.).

It's been accepted that a limited area of the site may be served via Walton Fields Road i.e. development generating up to 99no. vehicle trips in the evening peak hour. The submitted details aren't clear with respect to what elements of the proposals will be likely to generate this level of traffic nor where internal 'barriers' are to be created in order to ensure the limit is not exceeded. The current Proposed Site Plan demonstrates no restrictions to traffic between Goytside Road and Walton Fields Road therefore, prior to commencement of any development, an assessment will need to be undertaken to determine the extent of development to be

served via this route. Detailed designs for the junction layout (including all Works across the frontage of the site with Walton Fields Road, accommodation of the existing cycleway and, potentially, a change in priority at the Walgrove Road/ Bobbin Mill Lane junction) will then need to be submitted for approval, the approved Works being completed prior to any part of the development to be served via this route being brought into use.

The current Proposed Site Plan does not demonstrate any modifications to the layout of Goytside Road. It's not clear what elements of the proposed development would be served via this access and, as shown, there would be a through route to Walton Fields Road. Therefore, prior to the commencement of any Works on site, detailed designs of modifications to the existing layout will need to be submitted for approval, the approved Works being implemented on a timescale to be agreed with the Local Planning Authority in conjunction with the Highway Authority. Dependent on the scale and nature of development to be served, these Works may involve a change in priority at the junction with Factory Street.

On determination of the scale and nature of development to be served via each of the access points to remain at or below the predicted acceptable traffic flows, detailed designs of the proposed internal road layout should be submitted for approval. Suitability for use by the largest vehicles likely to frequently visit each part of the site, location of 'barriers', etc. will need to be demonstrated.

The original highways response to this application recommended that details of the proposed off-street parking proposals should be submitted i.e. numbers and location to serve individual elements of the scheme. I trust that you will be satisfied with the location and level of off-street parking provision for each individual element of the proposed development prior to granting, or as a part of, any approval.

Little detail has been submitted to this office with respect to pedestrian/ potential cycle connectivity e.g. segregation, access layouts, etc. Detailed designs including these will need to be submitted for approval prior to the commencement of any site Works.

Although outline with all matters reserved at this stage, it's considered that the proposed Public House should be served in

entirety directly from the new access road. Dependent on ownership and access rights, closure of Mill Lane should be investigated – private vehicular access possibly taken from the new access road if necessary. On street parking bays may then be extended over the current junction with Chatsworth Road and a point of conflict between turning vehicles on the public highway would be removed.

Subject to the above access proposals being satisfactorily implemented, it's considered that the applicant controls sufficient land to create a junction, or junctions, with Goytside Road and an acceptable internal road layout to serve residential development of the former Boythorpe Works site.

In summary, even with the proposed optimised distribution scenario there will still be off-site impacts although, based on the available data, the Highway Authority does not believe that severe harm can be demonstrated at the locations assessed provided that the mitigation interventions identified above are secured.

Therefore, if you are minded to approve the proposals, highway recommendations for the Section 106 undertakings, Conditions and advisory Notes have been appended to this letter.

Recommended Highway Related Section 106 Undertakings:-

The following suggested main features should be considered for any Section 106 Agreement to which the Highway Authority would wish to be a co-signatory:-

- 1. Maximum funding for monitoring of development related traffic.*
- 2. Maximum funding for investigation into, and any subsequent implementation of, off-site traffic management measures required to mitigate the impacts of the development. For the avoidance of doubt, this figure will not cover the Works associated with providing new junctions at Chatsworth Road and Factory Street, the modified layouts for Goytside Road, Walton Fields Road and the junction of Chatsworth Road with Factory Street, and improvement Works to Dock Walk to achieve adoptable standard, each of which will be the subject of Agreements under Sections 38 and 278 of the Highways Act 1980 as appropriate.*
- 3. Trigger points for payment of contributions.*
- 4. Extent of network over which contributions can be applied.*
- 5. Indexation, draw-down arrangements and location of account.*

6. *Timeframe over which funds will be available.*
7. *Accumulation of contribution with other developer or public funds.*
8. *Claw back of unpaid contributions by Highway Authority in the event of early intervention using public funds.*
9. *Maximum Travel Plan monitoring fees for a 5 years period.*

Recommended Highway Related Conditions:-

1. *Prior to the commencement of any other Works the applicant shall prepare a Site Wide Monitoring and Phasing Programme. This shall include, the proposed sequence of development across the entire site; a scheme for monitoring of development related traffic accessing and leaving the site; strategic drainage and SuDs infrastructure; extent and location of individual development phases and associated access arrangements (including creation/ diversion/ improvement of pedestrian/ cycle routes and Public Rights of Way); identification of trigger points at which time the agreed traffic flows at each access point have been reached and when highway junction and mitigation Works, the subject of the Conditions below, shall be implemented.*
2. *No development shall commence until the Monitoring and Phasing Programme has been approved in writing by the Local Planning Authority and thereafter each subsequent Reserved Matters planning application for any phase or part of a phase shall be accompanied by an updated phasing masterplan for the approval of the Local Planning Authority. The development shall then be carried out in accordance with the Programme as approved and updated.*
3. *No development shall be commenced until temporary accesses for construction purposes have been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The accesses shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.*
4. *No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:*
 - *Parking of vehicles of site operatives and visitors*

- routes for construction traffic
 - hours of operation
 - method of prevention of debris being carried onto highway
 - pedestrian and cyclist protection
 - proposed temporary traffic restrictions
 - arrangements for turning vehicles
5. *Notwithstanding the submitted information, prior to the commencement of any Works on site, a detailed design of the internal layout of the site complying with the guidance contained in the 6C's Design Guide shall be submitted to and approved in writing by the Local Planning Authority, the approved Works being implemented in accordance with a scheme first submitted to and approved by the Local Planning Authority.*
 6. *Notwithstanding the submitted information, any subsequent reserved matters application for the Outline element of the proposals shall include design of the internal layout of the site in accordance with the guidance contained in the 6C's Design Guide.*
 7. *No development shall take place until construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) for each phase have been submitted to and approved in writing by the Local Planning Authority.*
 8. *The carriageways of the proposed access/ estate roads for each phase shall be constructed in accordance with Conditions 5 and 6 above up to and including at least road base level, prior to the commencement of the erection of any premises intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each premises or dwelling prior to being brought into use/occupation has a properly consolidated and surfaced carriageway and footway, between the premises/dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each premises/dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such premises/dwelling, unless otherwise agreed in writing by the Local Planning Authority.*
 9. *Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a*

detailed scheme of highway improvement works to Walton Fields Road (including access arrangements into the site), together with a programme for the implementation and completion of the works, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this Condition.

- 10. In accordance with the approved Monitoring and Phasing Programme, the subject of Condition 1 above, a new junction shall be formed to Chatsworth Road and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the junction, for a distance of 47 metres in each direction measured along the nearside carriageway edge in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object above ground level.*
- 11. In accordance with the approved Monitoring and Phasing Programme, the subject of Condition 1 above, a new junction shall be formed to Factory Street and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the junction, for a distance of 43 metres in each direction measured along the nearside carriageway edge in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object above ground level.*
- 12. In accordance with the approved Monitoring and Phasing Programme, the subject of Condition 1 above, modification works to the junction of Chatsworth Road and Factory Street shall be carried out in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this Condition.*

13. *In accordance with the approved Monitoring and Phasing Programme, the subject of Condition 1 above, improvement works to Goytside Road (including access arrangements into the site) shall be carried out in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this Condition.*
14. *In accordance with the approved Monitoring and Phasing Programme, the subject of Condition 1 above, improvement works to achieve adoption standards on Dock Walk shall be carried out in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority, once satisfactorily completed, the improved road being dedicated as highway to be maintained in future at public expense.*
15. *All existing vehicular and pedestrian accesses to the existing highway made redundant as a result of the proposed development shall be permanently closed with a physical barrier and the footway reinstated in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.*
16. *The premises, the subject of each phase of the development, shall not be occupied/ taken into use until space has been provided within the site curtilage for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ staff/ customers/ service and delivery vehicles (including secure/ covered cycle parking), located, designed, laid out and constructed all in accordance with a scheme first submitted to and agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.*
17. *The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, each phase of development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.*
18. *There shall be no gates or other barriers within 6.0m of the nearside highway boundary and any gates shall open inwards*

only, unless otherwise agreed in writing by the Local Planning Authority.

- 19. The proposed access driveways to the existing or proposed highway shall be no steeper than 1 in 14 for the first 6.0m from the nearside highway boundary and 1 in 10 thereafter.*
- 20. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste for each phase have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.*
- 21. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway for each phase of the development. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.*
- 22. No building or use hereby permitted shall be occupied or the use commenced until a Framework Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. Subsequently with each Reserved Matters application a Travel Plan including targets, relating to each phase (or sub-phase as may be agreed in writing with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plans shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.*

Recommended Highway Related Advisory Notes:-

- a. The Highway Authority recommends that the first 6m of the proposed access driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner*
- b. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway/ new estate street measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish*

channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

- c. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.*
- d. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538578).*
- e. Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (eg; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.*
- f. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.*
- g. The application site is affected by a Public Right of Way (Footpath number 188 Chesterfield on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Advice regarding the temporary (or permanent) diversion of such routes may be obtained from the Strategic Director of*

Economy Transport and Community at County Hall, Matlock (tel: 01529 580000 and ask for the Rights of Way Officer).

- h. Car parking spaces should measure 2.4m x 5.5m (larger in the case of spaces for use by disabled drivers) with adequate space behind each space for manoeuvring.*
- i. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.*
- j. Where development has been approved subject to the preparation and implementation of a Travel Plan, the applicant is obliged to submit the appropriate documentation to the Local Planning Authority well in advance of the development being taken into use. Advice regarding the content of Travel Plans may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 580000 and ask for the Transportation Section).'*

5.6.4

It is recognised that from the comments received above there is no doubt that the development proposals will by their nature impose an impact upon the surrounding highway network which is not currently experienced due to the vacant and undeveloped nature of the parcel of land included in the application site boundary. In the past previous operations taking place on the sites included (predominantly industrial / commercial uses) will have fed into the highway network; but the passage of time since these sites were vacated / cleared and the ongoing increase in traffic which has been experienced in the local area are all considerations which feed into the balance of whether the development proposals will

harm the operation of the highway network or whether its impacts can be appropriately mitigated.

- 5.6.5 Clearly the LHA have reached a conclusion in their latest comments above that whilst they accept the development proposals will increase traffic on the highway network; they have offered a mechanism of planning conditions and obligations which they believe will assist the LPA as decision maker to justify the harm and secure appropriate mitigation measures to parts of the network impacted upon, which make the scheme acceptable in highway terms.
- 5.6.6 The impacts of vehicular traffic are one component piece of the highway / traffic related considerations but as part of the application considerations consultee comments from the **Chesterfield Cycle Campaign (CCC)** and **Transition Chesterfield (TC)** were also gathered. Both parties raised concerns about the application submission and the lack of detail and strategy set out in the site layout drawings and supporting documentation to address the promotion and connectivity of walking and cycling through the development proposals.
- 5.6.7 In respect of the concerns raised it is noted that the bulk parts of the application proposals are at this stage set out in outline, with the site layout plans prepared purely offering concept ideas of how the site might operate and connect to the surrounding highway network. In order to comply with national and local planning policy a detailed designed scheme of reserved matters submissions would need to ensure that the development proposals responded to the need to promote walking and cycling in and around the development. Particularly given that the strategic cycle network in Chesterfield is currently undergoing a mechanism of improvement. In the context of the comments from the LHA above, a key part in successfully mitigating traffic impact will be to ensure the development is best served to encourage visitors and residents of the site to use alternative methods of transportation; and therefore it will be imperative that the scheme is designed to ensure cyclist and pedestrian connectivity is a key focus. The LPA would comment that positive and proactive engagement with non-statutory bodies such as the CCC and TC by any prospective developer will ensure reserved matters scheme designs are not met with the same objections / concerns currently raised.

5.6.8 Overall therefore it is concluded that whilst the development proposals will undoubtedly have some impact upon the highway network the LHA has advised a mechanism of mitigation that enables the LPA as decision maker to conclude that these impacts are acceptable in the balance of promoting a future development prospect that will regenerate a key site in the Borough in much need of inward investment. In reaching this conclusion the LPA is of the view that the issues which have been highlighted by statutory and non-statutory bodies in respect of highway impacts and demand for travel can be carried forward by any developer looking to compose a reserved matters submission. There will be a degree of expectation upon them to ensure that the issues and concerns which were raised can be translated into an appropriately designed proposal which will be the subject of the same level of scrutiny and judgement. In this instance it is considered that in the context and parameters of policies CS1, CS2, CS3, CS4, CS18 and CS20 of the Core Strategy and the wider NPPF the principles of the development hereby sought by this hybrid planning application in respect of highway consideration are acceptable.

5.7 **Flood Risk & Drainage**

5.7.1 In the context of policy CS7 of the Core Strategy and Chapter 10 of the NPPF the development proposals are required to have regard to issues surrounding potential flood risk and prepare strategic on site drainage solutions in connection with any new development proposals.

5.7.2 In the case of these particular application proposals the presence of the River Hipper (which intersects the application site) and the brownfield nature of the sites mean that the sites are affected in part by flood risk zone designations from both fluvial and surface water sources.

5.7.3 With the above constraints in mind throughout the application process the applicant has met and engaged in discussions and meetings with the Environment Agency (EA), the Lead Local Flood Authority (LLFA) and the Councils Design Services (DS) team to discuss potential issues and resolutions with the view of providing further information on the flood risk and drainage strategy solutions for the site. These discussions have culminated in the submission of a revised Flood Risk Assessment (October 2016) (FRA) and have led the applicant to draw up alongside this a strategic

drainage solution for the development being sought to demonstrate that appropriate flood mitigation and drainage measures can be implemented to ensure that any development taking place on this site does not worsen any flood risk and in effect 'washes its own face' in terms of handling surface water on and off site in accordance with agreed discharge rates commensurate with climate change targets.

- 5.7.4 Subsequent comments received from the EA, LLFA, and DS team as a result of re-consultation on the latest FRA and drainage details all confirm that these statutory and non-statutory bodies are happy with the development proposals and the strategy and mitigation measures detailed alongside them, subject to the LPA imposing appropriate planning conditions which are proportionate to the outline nature of the development proposals.
- 5.7.5 It is noted that an outstanding objection remains from Yorkshire Water Services (YWS) which was received back in February 2016 to the original scheme. YWS has not responded to any of the re-consultation requests sent to them however it is noted that the nature of their objections relate to the presence of public sewers and outfalls recorded to cross the application site which may be affected by the development proposals. The concerns raised by YWS were that buildings indicated on the indicative site layout plan submitted were positioned over sewer lines and this in turn has the potential to jeopardise their ability to maintain their infrastructure. Furthermore they seek appropriate stand-off easement protection to such sewers and an outfall located near to the application site would need to be screened to protect amenity.
- 5.7.6 Notwithstanding the objection received it is commented that with the exception of the conversion of the Walton works mill, the application proposals are submitted in outline with all matters reserved, therefore the layout is only at this stage indicative. Any prospective developer preparing a reserved matter design submission would need to undertake a full review of the public sewer network. A development of this scale and nature could include appropriate stand-off distances to any sewers and screening; or where this couldn't be achieved would need to propose appropriate diversion works in consultation and to the satisfaction of Yorkshire Water Services (which is not unusual given any new development of this nature is likely to include new sewer infrastructure and connections).

5.7.7 In this instance it is considered that imposition of appropriate planning conditions would secure the necessary steps highlighted above to address YWS's outstanding objection; and subsequently overall it is concluded that subject to condition the development proposals accord with the provisions of policy CS7 and Chapter 10 of the NPPF in respect of addressing and resolving any flood risk & drainage issues.

5.8 **Ecology & Trees**

5.8.1 In the context of policy CS9 of the Core Strategy and Chapter 11 of the NPPF any development proposals of this scale and nature are required to have regard to issues surrounding ecology and biodiversity.

5.8.2 In respect of the specific site characteristics and constraints the subject of this application (namely the presence of a dis-used /vacant mill building, vacant / cleared parcels of brownfield land connected therewith the wider application proposals and the presence of the River Hipper intersecting the application site) there are a number of potential features of ecological and biodiversity interest which are required to have been assessed to quantify the potential impact of the development proposals.

5.8.3 The application submission was originally accompanied by a Preliminary Ecology Report (prepared by BSG Ecology) and an Arboricultural Report which were subsequently reviewed by the Environment Agency (EA), the Councils Tree Officer and Derbyshire Wildlife Trust (DWT) as either statutory consultees or bodies engaged under a Service Level Agreement with the LPA.

5.8.4 Initial consultee response from the EA and DWT led to the applicant being required to undertake additional survey work in respect of protected species surveys (bats and white clawed crayfish) and the applicant was also requested to establish a baseline survey of the conditions of the River Hipper to address provision concerns raised by the EA.

5.8.5 The surveys, as requested, were subsequently completed by BSG Ecology on behalf of the applicant and were submitted as a comprehensive Ecology Report dated September 2016 for further consideration.

5.8.6 As a result of formal re-consultation both the EA and DWT responded to the revisions positively, confirming that they were happy with the finding of the surveys and the mitigation measures proposed as part of the Ecology Report and the wider development proposals. The EA didn't offer any detailed comments on the submission, simply a request for appropriate planning conditions, however DWT comments were as follows:

'This application includes all ecological survey work related to the site, which is welcomed. The additional survey work has been undertaken following best practices, and up to date guidance.

White clawed crayfish surveys were undertaken in August 2016, and no white clawed crayfish nor signal crayfish were identified during the survey effort. However, the proposed plans will affect the River, and enhancement and mitigation details are provided in the ecology report, which is welcomed and should be adhered to. It is highly recommended that the Environment Agency (EA) is contact for their advice on the application affecting a water course.

Subsequent nocturnal surveys for bats were undertaken between May and September and common pipistrelle bats were seen emerging from several roost locations across the site. As discussed within the report, a European Protected Species Licence will be required to facilitate the works. The ecology report has provided outline mitigation, however the proposed plans lack confirmation on the proposed location of the mitigation for bats; however it can be envisaged that the proposed plans can incorporate bats within the redevelopment/refurbished buildings. The ecology report has also detailed that the ecologist should have input into the plans in regards to bats, we concur with this recommendation.

Overall, it is likely that the assessment that has been undertaken for bats meets Government guidance within Circular 06/2005 and, as such, sufficient information regarding these protected species has been supplied to enable the Council to make an informed decision in accordance with the guidelines and to discharge its legal obligation to have regard to the requirements of the Habitats Directive.

*We recommend that a **condition** to secure the following should be attached to any consent: “Prior to the commencement of any works which may affect bats and their habitat, a Natural England European Protected Species licence, should be submitted to and approved in writing by the local planning authority. All works should then proceed in accordance with the approved strategy and the requirements of the licence, a copy of which should be submitted to the local planning authority, once obtained.”*

“No development shall commence until a detailed lighting strategy has been submitted to and approved in writing by the LPA. Such approved measures will be implanted in full”.

As the proposal will result in the disturbance of a European Protected Species and the destruction of a resting place, in presenting this case for consideration the Council needs to demonstrate how the three tests set out at Regulation 53 of the Conservation of Habitats and Species Regulations 2010 have been taken into account, and state the evidence for conclusions drawn on each test as to whether the test can be met. The three tests set out within Regulation 53 are as follows:

- (i) The action will be undertaken for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment (Regulation 53(2)(e);*
- (ii) That there is no satisfactory alternative (Regulation 53(9)(a) and*
- (iii) That the action will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range (Regulation 53(9))(b)*

*All retained habitats should be protected from damage by the erection of adequate temporary protective fencing for the duration of the works in accordance with a scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of any works on the site as a **condition** of any consent.*

Whilst no evidence of reptiles and badgers were identified on site, we support the recommendation provided in Section 6 of the report

details precautionary method of works and best practice approach for the species. This should be secured by way of an appropriately worded planning condition/informative.

We advise that any vegetation removal including tree felling and scrub clearance, should take place between October and February inclusive to avoid impact upon breeding birds. With regards to the buildings to be demolished, timings of the works have been recommended in the ecology report to avoid breeding birds and the presence of bats, where the breeding bird season cannot be avoided, a check for nesting birds should be undertaken.

*We advise that a Japanese Knotweed and Himalayan Balsam (and cotoneaster) eradication methodology is submitted for Council approval prior to the commencement of any works on the site. The eradication and appropriate disposal of all plant material should be set out in a methodology that should be required as a condition of any approval. The submission of a mitigation strategy, to be agreed in writing, detailing measures that will be put in place to prevent any adverse impact upon the river as a result of the proposed works should be required as a **condition of any permission**.*

***A condition** should be imposed requiring the submission of a landscape and ecological management plan (LEMP) detailing long-term design objectives for nature conservation, management responsibilities and maintenance schedules for all landscape areas which are not in the ownership of individual properties to be approved in writing by the local planning authority. The LEMP should be carried out as approved.*

The plan should incorporate the details provided in the ecological appraisals and the content of the plan should include the following:

- a) Description and evaluation of features to be managed / enhanced or created.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options and methods for achieving aims and objectives.*
- e) Timescales*
- f) Prescriptions for management actions.*

- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 10-year period).*
- h) Details of the body or organization responsible for implementation of the plan.*
- i) Ongoing monitoring and remedial measures.*

The plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured as by the developer with the management body(ies) responsible for its delivery (this would need to reflect and be informed by whatever is agreed within a S106 agreement).

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

In summary, we are of the opinion that a development of this scale provides an opportunity to achieve a significant net gain for wildlife to accord with the principles of sustainable development as promoted in the National Planning Policy Framework (NPPF).

One of the core principles of sustainable development as set out in the National Planning Policy Framework (NPPF) is to move from a net loss of biodiversity to achieving net gains for wildlife and paragraph 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity when determining planning applications by encouraging opportunities to incorporate biodiversity in and around developments.

We would therefore advise that a scheme should be submitted detailing how beneficial biodiversity features, including the measures previously mentioned in this response, will be incorporated within the development. The submission of such a scheme prior to the commencement of any works on the site should be required as a condition of any permission.'

5.8.7 Having regard to the comments of both the EA and DWT as detailed above, it is considered that appropriate planning conditions can be imposed on any decision issued to secure the

relevant surveys and level of mitigation necessary prior to any works commencing on the full planning permission and concurrent with any reserved matters application.

- 5.8.8 Notwithstanding the above the LPA must be satisfied that the tests of the EU Habitats Directive have been met before granting planning permission otherwise they risk contravening EU and UK law. The Habitats Directive in this case is to be considered in the context of there being potential for bat roosts on the site, these roosts being for an EU protected species (as raised by DWT in their comments above).
- 5.8.9 Given that there is potential for bat roosts to be destroyed during development works, the proposed development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'. In addition the LPA must be satisfied that, 'there is no satisfactory alternative' and 'that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.
- 5.8.10 In respect of the above it is considered that a development which accords with the Development Plan and delivers its aims and objectives would be an imperative reason for development with an inherent public interest being served. Furthermore, in balancing the benefits of the development against any adverse impact on the protected species it may be that the public interest served by the benefits of the development (and the imperative reason for the development) override the inherent interest in conservation of retaining the bat roosts. In effect a balancing judgement.
- 5.8.11 It is considered that the benefits of the development which are imperative and in the public interest are as follows:
- the proposals will reintroduce a use back into a grade II* listed building which is currently in a poor state of disrepair and is an important heritage asset on the buildings at risk register;
 - the proposals will offer important regeneration prospects to a site which has laid vacant for well over 10 years and is identified in the Core Strategy as a key regeneration area of the Borough.
 - the benefits of the scheme are long term and can be designed to secure an appropriate net biodiversity gain site wide which

can include mitigation commensurate with the scale of the roost to be lost as a result of the development proposals.

- 5.8.12 In considering whether or not these are overriding the following impacts on the protected species must be taken into account:
1. Alternative roosts can be erected in suitable locations prior to destruction of the buildings.
 2. Destruction of the roost can be timed to specific months to minimise disturbance to the bat species identified as using the site.
 3. Demolition can be undertaken in such a way that prevents harm to bats found in the property.
 4. The species impacted upon has a wider distribution across the UK and the development following mitigation and new habitat creation is likely to increase the number of suitable habitats available and therefore have a positive long term impact on the maintenance of the protected species population at a favourable conservation status in their natural range. The DWT confirm that the species should be maintained at a favourable conservation status provided the mitigation proposed is applied.
- 5.8.13 On this basis it is considered that the public interest is met by the development which would be overriding despite the potential for harm to individual bats and that beneficial consequences of primary importance for the environment will result from the increase in suitable and more secure bat habitats as a result of the development.
- 5.8.14 In respect specifically to the matter of Trees, which is not covered by either of the comments of the EA or DWT, the Councils Tree Officer has been involved in the ongoing discussions with the case officer about this application and the development proposals presented. As a reaction to the initial application submission the Tree Officer sought to protect the trees in and around the former Boythorpe works site by imposing a Tree Preservation Order (4901.341 confirmed on 20 May 2016). The imposition of the TPO at the former Boythorpe works would ensure that if development was given in outline for residential on this site, any subsequent reserved matters application would need to be designed to take account of these trees protection.

5.8.15 The Tree Officer also attended a site inspection with the case officer and confirmed that there were no trees of specific interest to him that were worthy of similar protection within or around the Walton works site. It was confirmed that trees located within the Coronation Gardens fronting Chatsworth Road are protected by the Conservation Area designation, but it was agreed with the Tree Officer that these were diseased (bleeding canker) and have a limited life expectancy so could be lost subject to a site wide landscaping scheme securing appropriate replacement tree cover to ensure a biodiversity balance overall.

5.9 Land Condition / Contamination / Noise

5.9.1 The site the subject of the application is previously developed land and therefore it is essential to ensure that issues arising from potential contamination are identified, the ground conditions are appropriate, or can be appropriately remediated to an appropriate level, to ensure that the ground is suitable for the development being proposed.

5.9.2 In accordance with policy CS8 of the Core Strategy and wider advice contained in the NPPF the application submission is accompanied by a Geotechnical and Geo-Environmental Desk Study for Walton Works (prepared by Eastwoods & Partners dated July 2015) and Geotechnical and Geo-Environmental Desk Study for Boythorpe Works (prepared by Eastwoods & Partners dated July 2015). Both the Coal Authority (CA) and the Councils Environmental Health Officer (EHO) were consulted on these documents and the applications as a whole and their response are documented below.

5.9.3 The Coal Authority commented:

'I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.'

The Coal Authority records indicate that there are 12 mine entries, and their resultant zones of influence, on the site or within 20m of the boundary. Seven of the mine entries relate to coal mining activity and five relate to Ironstone extraction. The site is also in an

area of recorded and likely unrecorded underground coal mine workings at shallow depth.

These reports acknowledge the coal mining legacy issues on the site and comment that a drilling investigation will be required to confirm the extent of coal mine workings beneath the site in order to inform any remedial measures which may be required. The reports also recommend that gas monitoring is carried out on site.

The reports note that the on-site untreated mine entries will need to be located and accurately surveyed and will then need to be drilled, grouted and capped. They go on to comment that the on-site capped mine entries will also need to be located and the shaft caps assessed to see if they meet current guidelines in order to inform any additional works necessary to remediate these features. The reports state that the on-site adit should be located and treated by drilling and grouting and the off-site adit should also be located as although the entrance is indicated off site it is pointing into the site and will still require treatment. The Coal Authority would expect the findings of the intrusive site investigations in respect of the mine entries to inform the layout of the development in order to ensure appropriate separation between the buildings and these features. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy.

The Coal Authority concurs with the recommendations of the Geotechnical and Geo-Environmental Desk Study Report (Boythorpe Works), dated July 2015 and prepared by Eastwood & Partners Consulting Engineers and the Geotechnical and Geo-Environmental Desk Study Report (Chatsworth Road), dated 14 July 2015 and prepared by Eastwood & Partners Consulting Engineers; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose planning condition should planning permission be granted for the proposed development requiring these site investigation works prior to be carried out on site.

In the event that the site investigations confirm the need for remedial works to treat the mine entries and areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of any development:

- * The submission of a detailed scheme of intrusive site investigations for approval, for both the mine entries and shallow coal mine workings;*
- * Before commencement on the detailed element of the scheme the undertaking of any approved intrusive site investigations;*
- * The submission of a report of findings arising from the intrusive site investigations;*
- * The submission of a scheme of remedial works for approval; and*
- * Implementation of those remedial works.*

Prior to the submission of the reserved matters:

- * The undertaking of the approved intrusive site investigations relevant to the outline application;*
- * As part of the reserved matters application the submission of a report of findings arising from the intrusive site investigations;*
- * As part of the reserved matters application the submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones;*
- * As part of the reserved matters application the submission of a scheme of treatment for the mine entries on site for approval;*
- * As part of the reserved matters application the submission of a scheme of remedial works for the shallow coal workings for approval; and*

A condition should also require prior to the commencement of the reserved matters development:

- * Implementation of those remedial works.*

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.'

- 5.9.4 Having regard to the comments received from the CA above it is considered, as suggested, that appropriate planning conditions can be imposed on any subsequent decision issued to address the issues of coal mining legacy. These will need to be undertaken and submitted concurrent with any reserved matter submission as it is likely the finding of any investigations will influence the layout and design of any subsequent development.
- 5.9.5 Having regard to issues surrounding potential contamination and noise the Councils Environmental Health Officer (EHO) did not provide any written responses to the applications initial consultation and re-consultation requests. Notwithstanding this, given the nature of the application proposals (mixed use) and the nature of the application site (brownfield) issues surrounding land contamination and noise should be considered in the context of policy CS8 of the Core Strategy and the NPPF.
- 5.9.6 Despite the absence of a comment from the Council's EHO the Phase I desk top studies submitted with the application submissions recommended the need for further site investigations (Phase II) in order to establish the exact ground conditions. These investigations will also allow for any potential contaminants to be identified and accordingly influence the need for any site remediation etc. It is considered that these studies could be secured by imposing an appropriate contaminated land planning condition, as is normal practice, which includes an escalator mechanism for the investigation, mitigation and remediation dependent upon the findings of each stage.
- 5.9.7 In respect of the issue concerning noise, the application is supported by a noise assessment addendum which uses noise data originally submitted alongside the 2012 planning application to draw conclusions on the noise environment presented at the site and make recommendations for how noise condition will need to be considered during the design stages / reserved matters submission. With no comment to the contrary from the EHO it can only be concluded that the noise assessment data collected is acceptable and that the principle of a mixed use development (inc. residential) can be accepted subject to more detailed noise mitigation measures being contained therein any reserved matters application. This approach has been used alongside applications for outline development proposals which have recently been approved where there has either been a mixed use proposal or

residential development proposed in close proximity to other commercial uses, railway lines or other noise generating sources. It is considered an appropriate approach given the scale and nature of the applications being considered and subject to condition it is considered that both the application proposals and the existing commercial premises can coincide with appropriate mitigation without an adverse amenity issue arising compliant with para. 123 of the NPPF.

5.10 **Other Considerations**

5.10.1 **S106 Contributions**

Having regard to the nature of the application proposals, if the principle of development is accepted, several contribution requirements would be triggered given the scale and nature of the proposals. Policy CS4 of the Core Strategy seeks to secure necessary green, social and physical infrastructure commensurate with the development to ensure that there is no adverse impact upon infrastructure capacity in the Borough.

Internal consultation has therefore taken place with the Councils own **Economic Development, Leisure Services and Housing** teams, as well as externally with **Derbyshire County Councils Strategic Planning** team on the development proposals to ascertain what specific contributions should be sought.

The responses have been collaborated to conclude a requirement to secure S106 Contributions / Legal Agreements in respect of negotiations for up to a 30% Affordable Housing contribution (Policy CS11); negotiations up to 1% of the overall development cost for a Percent For Art scheme (Policy CS18); and appointment of an external management company to manage and maintain the on site green open space and SuDS infrastructure (Policies CS7 and CS9). Matters in respect of education and green infrastructure are now dealt with by CIL contributions (see section 5.11 below).

In respect of the remaining comments arising from the DCC Strategic Infrastructure team to the Council it will be necessary to look to secure by planning condition the requirement for local labour and the provision of on-site high speed broadband connections (Policy CS13).

5.11 **Community Infrastructure Levy (CIL)**

- 5.11.1 Having regard to the nature of the application proposals the development comprises the creation of new dwellings and new retail floor space and therefore the development is therefore CIL Liable.
- 5.11.2 The site the subject of the application lies within the high CIL zone and therefore the full CIL Liability for the outline elements of the proposals would be determined at the reserved matters stage on the basis of a cumulative charge of £80 per sqm of gross internal floor area created. It is noted that only the conversion of the Walton works mill building is proposed in full and the conversion of the mill building itself and the new floor space being created in the upper extensions and associated works to the building would be CIL chargeable at £80/sqm. The reason the existing floorspace would also be CIL chargeable is due to the fact the building has not been occupied by a lawful use for a period of 6 months or more in the last three years.
- 5.11.3 It is noted (as commented in the policy considerations section 5.2 above) that the development proposals are adversely affected by viability and a conservation deficit associated with the works to restore the grade II* listed Walton works mill building have been demonstrated. Application of the CIL exemptions policy has been considered however the applicant has not yet prepared an appropriate level of viability appraisal for the whole site wide scheme of works to just the exemptions policies application at this stage.
- 5.11.4 The Council would need to fully understand what values the proposed Retail uses and Boythorpe Works site generate and how this will be re-directed to the Mill restoration through a proper viability appraisal. The applicant has not prepared any such appraisal to support the application and therefore the scheme can only be concluded to be CIL liable until such time that an application (fully supported by a Viability Appraisal) comparing the viability with CIL and Affordable Housing with the position if we exempt the scheme from the two (with the impact of both clearly set out). For any CIL exemption in particular the Council would need to be satisfied that letting the applicant off with just the affordable housing requirement alone will not suffice and that the CIL exemption is genuinely 'exceptional'.

6.0 **REPRESENTATIONS**

- 6.1 Both applications (CHE/15/00832/FUL and CHE/16/00843/LBC) have been subject to 2 no. rounds of publicity / public consultation as follows:
- Site notices posted on 20/01/2016 and on 04/11/2016 (re-consultation);
 - Advertisement placed in the local press on 21/01/2016 and on 03/11/2016 (re-consultation); and
 - Neighbour notification letters sent on 21/01/2016 and on 07/11/2016 (re-consultation).

- 6.2 As a result of the application publicity there have been 7 letters of representation received as follows:

A Local Resident

I agree with the D&A Statement and support the long awaited renovation of this long derelict listed building. I feel this application will help remove this building from the Councils at risk register. It is important that listed buildings are used and maintained to stop them becoming derelict. It is also important that the planned alterations are in keeping with the listed building.

39 Old Road

With reference to the above, I would welcome the restoration and development of the Walton Works building as a definite improvement on the visual effects of the surrounding area. I trust that this will be in keeping with the architectural styles of Chatsworth Road that I believe have now been designated a conservation area. However, as we currently have nigh on twenty public houses within a one mile radius, (50% of which seem to do very little trade) I fail to see the need for the construction of yet another pub.

3 Goyt Terrace

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Residential Amenity
- Traffic or Highways

Comment: Please can you explain what will happen regarding 1-8 Goyt Terrace houses/Goytside Road/traffic etc?

Fishwicke & Co on behalf of Johnsons Ironmongers, 296/298 Chatsworth Road

Mr Johnson currently owns half of Mill Lane, which is at present blocked off and used solely for parking and to receive deliveries to his stockrooms / warehouse area. The latest site layout plan submitted shows that Mill Lane will be made one way from Chatsworth Road and Mr Johnson is concerned that delivery wagons to his store will be unable to make the turn then shown on the site layout plan to lie behind the proposed public house.

Mr Johnson is also concerned by these proposals as unloading is prohibited on Chatsworth Road in front of his store (due to proximity to the bus stop and pedestrian crossing etc).

It is suggested that the only way this could be resolved would be to reduce the number of car parking spaces proposed behind the public house which would then allow Mill Lane to be continued.

The previous developer was proposing to make a payment to Mr Johnson for his share of the road and in turn also provide him with a car park to the rear of his building.

In view of the parking restrictions along Chatsworth Road surely consideration should be given to where people will park when using Mr Johnson and others shops.

A Local Resident

I am concerned about how this will affect the amount of traffic running along Goytside and Dock Walk, these quiet roads form part of the excellent and well used cycle route into the town via Queens Park and also the fantastic new link to the train station. Should the plan go ahead as shown, I feel that it would be detrimental to this cycle route as it would likely increase the amount of traffic using these roads.

Also, I think a safe route from Old Road to the site for pedestrians and cyclist would be a great addition to the green transport infrastructure and help people access the site as well as the main cycling and walking route to the town centre and the train station.

39 Ardsley Road

The planning application for this site may well have a detrimental effect on the Hipper Valley Trail cycling and walking route from Holymoorside (soon) and Walton/Somersall to the railway station. The development will almost certainly result in increased traffic along Dock Walk/Goytside impacting on cyclists using the route.

The application should also include a high quality traffic free cycle route from the Hipper Valley Trail to Mill Lane exiting onto Chatsworth Road with the installation of a Toucan Crossing allowing access to Old Road as per the original master plan. Living and working in this area as I do, the implementation of successful cycling infrastructure associated with this development will make a considerable difference to me. With the Hipper Valley Trail now extended to the station and hopefully to Holymoorside in the near future it is vital to keep this central section cycle friendly.

6 Medlock Road

The planning application for this site may well have a detrimental effect on the Hipper Valley Trail cycling and walking route from Holymoorside (soon) and Walton/Somersall to the railway station. The development will almost certainly result in increased traffic along Dock Walk/Goytside impacting on cyclists and pedestrians using the route. It is important that speeds and volumes of traffic are kept to a minimum and the route not become a rat run to avoid Chatsworth Road. The application should also include a high quality traffic free cycle route from the Hipper Valley Trail to Mill Lane exiting onto Chatsworth Road with the installation of a Toucan Crossing allowing access to Old Road as per the original master plan. As a frequent user, I know that the Hipper Valley trail along Goytside – Walton Fields Road is already well used by cyclists and pedestrians. I believe it is very important to link the site effectively into the existing Chesterfield cycle network and have good cycling and pedestrian infrastructure around the site. Both site users and those travelling through or past the site need to be encouraged to do so using non-motorised forms of transport. This will decrease traffic congestion and air pollution along Chatsworth Road. The distance of the site from many of the facilities of Chesterfield Town centre such as large shops, railway station, park etc and the fact that the route is relatively level makes cycling very much a viable option. Good facilities will encourage people to take up this option.

Officer Response –

Please see section 5.1 – 5.11 of the report above.

7.0 HUMAN RIGHTS ACT 1998

7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

7.4 Whilst, in the opinion of the objectors, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control.

8.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 **CONCLUSION**

- 9.1 It is considered that the proposed development is able to demonstrate its compliance with policies CS1, CS2, CS3 and CS4 of the Core Strategy in so far as its ability to provide connection (and where necessary improvement) to social, economic and environmental infrastructure such that the development meets the definitions of sustainable development. The application submission is supported by the preparation of assessment and reports which illustrates the proposed developments ability to comply with the provisions of policies CS6, CS7, CS8, CS9, CS11, CS13, CS18, CS19 and CS20 of the Core Strategy and where necessary it is considered that any outstanding issues can be mitigated and addressed in any subsequent reserved matters submission or any appropriate planning conditions being imposed.
- 9.2 Notwithstanding the impacts on the historic setting of the listed buildings, it is considered that the proposals are consistent with local and national planning policies that seek to promote sustainable development.
- 9.3 Whilst there will be changes and resultant impacts on the setting of the listed building and the townscape of the conservation area these are considered to be justified on balance of the adversity / impact identified. It is clear that both national and local planning policy offer a framework to manage the transition / evolution of development with heritage implications and sites of this nature (which have significant regeneration opportunities that are regarded as a local priority) need to be supported if it is considered that the public benefits of the scheme outweigh the harm. Furthermore it is considered that the LPA can retain appropriate control through planning obligation and conditions to ensure that the detail of the scheme moving forward is appropriate and investment in the heritage asset is not undertaken. There is no doubt that in its current condition the listed building is at risk (it is on the at risk register) and it is considered that there is further argument for the LPA to be positive and proactive in supporting a scheme of this nature to seek to facilitate a recognised and approved use for the building to allow the landowner or prospective developer some comfort to secure development investment in the site.

- 9.4 On this basis the impact should be assessed in the context of paragraphs 133 and 134 of the NPPF. If, as Historic England and others indicate, the impacts of the development are substantial, then the criteria in paragraph 133 of the NPPF should be met:
- The nature of the heritage asset prevents all reasonable uses of the site.
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.
 - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible.
 - The harm or loss is outweighed by the benefit of bringing the site back into use.
- 9.5 If the impacts are deemed to be less than substantial, then paragraph 134 of the NPPF should be met which states that any harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 9.6 Regarding paragraph 133, the applicant has provided evidence to demonstrate to the LPA that the restoration of the listed building is not in its own right viable without crossing funding the additional proposed development (there is a clear conservation deficit).
- 9.7 The harm or loss caused by the proposed development is considered to be outweighed by the benefits of securing an appropriate use of the listed buildings. Whilst it is considered to be a finely balanced argument, the applicant's proposals are considered to have public benefits that outweigh the harm caused by the proposed development. These public benefits include: the securing of a long-term use for the listed building to support its restoration and renovation; new residential development in a sustainable location; improvements to the listed buildings and enhancement to its setting; and the ongoing maintenance and protection of the listed buildings and probably most importantly the maintenance of a viable use within the heritage asset set against the very real threat of an uncertain future for the buildings. It follows that the proposal will secure an optimum viable use for the site. Considering all of the above, it is considered that the proposed development can be accepted.

10.0

ADDITIONAL RECOMMENDATION

10.1

That a S106 agreement be negotiated and signed concurrent with the planning permission and listed building consent dealing with:

- Negotiations for up to a 30% Affordable Housing.
- Negotiations up to 1% of the overall development cost for a Percent For Art scheme.
- The management and maintenance of any on site green open space and SuDS infrastructure.
- Clauses tying the funds raised from the sale of surrounding development proposal land to be invested in the repair and refurbishment works for the listed building together with a programme for implementation of such works.
- Maximum funding for monitoring of development related traffic.
- Maximum funding for investigation into, and any subsequent implementation of, off-site traffic management measures required to mitigate the impacts of the development. For the avoidance of doubt, this figure will not cover the Works associated with providing new junctions at Chatsworth Road and Factory Street, the modified layouts for Goytside Road, Walton Fields Road and the junction of Chatsworth Road with Factory Street, and improvement Works to Dock Walk to achieve adoptable standard, each of which will be the subject of Agreements under Sections 38 and 278 of the Highways Act 1980 as appropriate.
- Trigger points for payment of contributions.
- Extent of network over which contributions can be applied.
- Indexation, draw-down arrangements and location of account.
- Timeframe over which funds will be available.
- Accumulation of contribution with other developer or public funds.
- Claw back of unpaid contributions by Highway Authority in the event of early intervention using public funds.
- Maximum Travel Plan monitoring fees for a 5 years period.

10.2

That all new retail and residential floor space will be liable for Community Infrastructure Levy based on a £80 per square metre gross internal floor space unless an application is made to the Council under the CIL Exemptions Policy prior to any development commencing on site.

10.3 That if the committee is minded to accept the recommendations regarding the listed building application that the proposals be first referred to the Secretary of State for consideration of whether the application should be called in.

11.0 **RECOMMENDATION**

11.1 It is therefore recommended that the applications be granted subject to the following conditions:

11.2 **CHE/15/00832/FUL**

Conditions

Time Limit etc

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.

02. Application for approval of the reserved matters for the outline element of this hybrid application shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.

03. The outline element of the proposal the subject of this hybrid application shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason - The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.

Drainage

04. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority in advance of full planning consent being granted.

05. Prior to commencement of development, a structural survey of the culvert identified to be the point of surface water discharge for the site shall be undertaken and submitted to the Local Planning Authority. The survey shall be carried out by a suitably qualified Structural Engineer and shall assess the impact of the proposed development on the structural condition and integrity of the culvert. The survey shall make recommendations to demonstrate the structural integrity of the culvert shall be maintained for the lifetime of the development. All recommendations made by the survey shall be fully implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority in consultation with the County Council.

Reason: To ensure the proposed water runoff can be appropriately discharged from the site and to prevent the increased risk of flooding due to structural failure of the culvert caused by the development.

06. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) ref 38774-002 Issue 2 dated October 2016 by Eastwood & Partners and the following mitigation measures detailed within the FRA:

1. Finished floor levels of new buildings shall be set no lower than the minimum development levels (as stated in section 2.4.1 of the FRA)
 2. Provision of compensatory flood storage (stated in section 2.5 of the FRA)
 3. Demonstration within the FRA that the improvement/protection and maintenance of existing flood defences will be provided. (section 2.6 of the FRA)
 4. Flood evacuation plan for flood storage areas
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason - To reduce the risk of flooding to the proposed development and future occupants; to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided; to ensure the structural integrity of existing and proposed flood defences thereby reducing the risk of flooding; and to ensure safe egress from areas of flooding.

07. No development shall take place until a method statement detailing the creation of riverside berms has been submitted to and agreed in writing by the Local Planning Authority, in conjunction with the Environment Agency. Thereafter the development shall be implemented in accordance with the approved scheme.

Reason - This condition is necessary to ensure that the proposed riverside berms are developed in a way that contributes to the nature conservation of the site in accordance with National Planning Policy Framework paragraph 109, which requires the planning system to aim to conserve and enhance the local environment by minimising impacts on biodiversity

08. No development shall take place until a method statement detailing the creation of in channel features has been submitted to and agreed in writing by the Local Planning Authority, in conjunction with the Environment Agency. Thereafter the development shall be implemented in accordance with the approved scheme.

Reason - This condition is necessary to ensure that the proposed in channel features are developed in a way that contributes to the nature conservation of the site in accordance with National Planning Policy Framework paragraph 109, which requires the planning system to aim to conserve and enhance the local environment by minimising impacts on biodiversity.

09. Prior to the commencement of any phase of the development, details of the proposed means of disposal of foul and surface water drainage including details of any balancing works and off-site works shall be submitted to and approved in writing by the Local Planning Authority and implemented as so approved. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason - In the interest of satisfactory and sustainable drainage.

10. Prior to the commencement of any phase of the development, details of the diversion or stand-off distances from sewers that cross the site in that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out concurrent with the development.

Reason - In order to allow sufficient access for maintenance and repair work at all times.

11. Unless an alternative scheme is agreed concurrent with any reserved matter approval no building or other obstruction shall be located over or within 5.0 (five) metres either side of the centre line of sewers 675/750mm in diameter; or 3.0 (three) metres either side of the centre line of the smaller diameter sewers, which cross the site.

Reason - In order to allow sufficient access for maintenance and repair work at all times.

Land Condition / Contamination

12. Prior to the submission of any reserved matter application the applicant / developer shall have undertaken intrusive site investigations to confirm the extent of coal mine workings beneath the site, to locate any on-site untreated mine entries, locate any on-site capped mine entries and on-site adits. Concurrent with the submission of any reserved matters application the applicant / developer shall include:
- * the submission of a report of findings arising from the intrusive site investigations;
 - * the submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones;
 - * the submission of a scheme of treatment for the mine entries on site for approval; and
 - * the submission of a scheme of remedial works for the shallow coal workings for approval.
- Thereafter development shall only take place after any remedial works and mitigation measures required/proposed for the stability of the site have been undertaken and a validation report submitted for approval.

Reason - To fully establish the presence of any coal mining legacy affecting the application site and to ensure that the site is appropriately remediated.

13. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

Reason - To fully establish the presence and / or otherwise of any coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site.

14. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.
- I. A desktop study/Phase 1 report documenting the previous land use history of the site.
 - II. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
 - III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.
- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.
- C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.

Noise

15. Concurrent with the first reserved matters submission the application shall be accompanied and informed by the results of a further Noise Survey and Assessment (the parameters of which shall first have been agreed by the Local Planning Authority). The subsequent Noise Assessment shall include details of the necessary measures to mitigate any adverse impact of noise upon the development, arising from adjacent and proposed commercial uses. Only those details which are agreed in writing by the Local Planning Authority shall be implemented in full on site and maintained as such thereafter.

Reason – In the interests of residential amenity.

16. Any reserved matters submission including residential uses shall be accompanied by an updated noise assessment to confirm that internal noise levels in bedrooms and living rooms should not exceed 35dB LAeq(1hr) during the daytime (between 07:00 and 23:00) and 30dB LAeq(1hr) or 45dB LAmax(1hr) during the night-time (between 23:00 and 07:00). Similarly, daytime (between 07:00 and 23:00) garden noise levels should not exceed 55dB LAeq(1 hr).

Reason - In the interests of the amenities of any future occupants.

Ecology

17. Prior to the commencement of any works which may affect bats and their habitat, a Natural England European Protected Species licence, should be submitted to and approved in writing by the local planning authority. All works should then proceed in accordance with the approved strategy and the requirements of the licence, a copy of which should be submitted to the local planning authority, once obtained.

Reason - To safeguard the ecological interest of the site and to accord with policy CS9 of the Local Plan: Core Strategy.

18. No development shall commence until a detailed lighting strategy has been submitted to and approved in writing by the LPA. Such approved measures will be implanted in full.

Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.

19. Prior to the commencement of works Root Protection Areas (RPAs) shall be established and protective fencing conforming to BS 5837 'Trees in Relation to Design, demolition and construction - Recommendations' 2012 shall be erected to all hedgerows and trees which are legally protected or identified for retention. Within these areas there shall be no excavation work and no storage of building materials or plant / machinery. The protective fencing shall remain in situ during site clearance and throughout the life the construction phases. Any works to take place within the defined RPAs shall be by means of an approved above ground construction method only which shall first have been approved in writing by the Local Planning Authority.

Reason – In the interest of safeguarding the protected trees and retained habitats, having regard to their root protection areas in the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.

20. Prior to the commencement of development, a detailed method statement for the removal of Himalayan balsam and Japanese knotweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of Himalayan balsam and Japanese knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

Reason - Himalayan balsam and Japanese knotweed are invasive plants, the spread of which are prohibited under the

Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.

21. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the National Planning Policy Framework.

22. A Biodiversity Enhancement Strategy (BES) and Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the BES and LEMP shall include the following.

- a) Description and evaluation of features to be managed / enhanced or created.
- b) Details of where biodiversity enhancement measures (inc. bird and bat boxes) will be located and thereafter managed.
- c) Ecological trends and constraints on site that might influence management.
- d) Aims and objectives of management.
- e) Appropriate management options and methods for achieving aims and objectives.
- f) Timescales
- g) Prescriptions for management actions.
- h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 10-year period).
- i) Details of the body or organization responsible for implementation of the plan.
- j) Ongoing monitoring and remedial measures.

The plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured as by the developer with the management body(ies) responsible for its delivery (this would need to reflect and be informed by whatever is agreed within a S106 agreement).

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason - To mitigate against the loss of existing biodiversity and habitats and provide biodiversity benefit, in accordance with Policy CS9 and the National Planning Policy Framework.

- 23. There shall be no removal of hedgerows, trees, shrubs, brambles or ground clearance take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the area for active birds' nests immediately before the work is commenced.

Provided that the ecologist is satisfied that no birds will be harmed, and/or that there are appropriate measures in place to protect nesting bird interest on site and the Local Planning Authority receive written confirmation of such (which shall subsequently need to be approved in writing), works will thereafter be permitted to take place in accordance with any protection measures recommended without restriction.

Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.

Highways

24. Prior to the commencement of any other Works the applicant shall prepare a Site Wide Monitoring and Phasing Programme. This shall include, the proposed sequence of development across the entire site; a scheme for monitoring of development related traffic accessing and leaving the site; strategic drainage and SuDs infrastructure; extent and location of individual development phases and associated access arrangements (including creation/ diversion/ improvement of pedestrian/ cycle routes and Public Rights of Way); identification of trigger points at which time the agreed traffic flows at each access point have been reached and when highway junction and mitigation Works, the subject of the Conditions below, shall be implemented.

Reason – In the interests of highway safety.

25. No development shall commence until the Monitoring and Phasing Programme has been approved in writing by the Local Planning Authority and thereafter each subsequent Reserved Matters planning application for any phase or part of a phase shall be accompanied by an updated phasing masterplan for the approval of the Local Planning Authority. The development shall then be carried out in accordance with the Programme as approved and updated.

Reason – In the interests of highway safety.

26. No development shall be commenced until temporary accesses for construction purposes have been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The accesses shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.

Reason – In the interests of highway safety.

27. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- Parking of vehicles of site operatives and visitors
 - routes for construction traffic
 - hours of operation
 - method of prevention of debris being carried onto highway
 - pedestrian and cyclist protection
 - proposed temporary traffic restrictions
 - arrangements for turning vehicles

Reason – In the interests of highway safety.

28. Notwithstanding the submitted information, prior to the commencement of any Works on site, a detailed design of the internal layout of the site complying with the guidance contained in the 6C's Design Guide shall be submitted to and approved in writing by the Local Planning Authority, the approved Works being implemented in accordance with a scheme first submitted to and approved by the Local Planning Authority.

Reason – In the interests of highway safety.

29. Notwithstanding the submitted information, any subsequent reserved matters application for the Outline element of the proposals shall include design of the internal layout of the

site in accordance with the guidance contained in the 6C's Design Guide.

Reason – In the interests of highway safety.

30. No development shall take place until construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) for each phase have been submitted to and approved in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

31. The carriageways of the proposed access/ estate roads for each phase shall be constructed in accordance with Conditions 5 and 6 above up to and including at least road base level, prior to the commencement of the erection of any premises intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each premises or dwelling prior to being brought into use/occupation has a properly consolidated and surfaced carriageway and footway, between the premises/dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each premises/dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such premises/dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

32. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme of highway improvement works to Walton Fields Road (including access arrangements into the site), together with a programme for the implementation and completion of the works, has been submitted to and

approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this Condition.

Reason – In the interests of highway safety.

33. In accordance with the approved Monitoring and Phasing Programme, the subject of Condition 24 above, a new junction shall be formed to Chatsworth Road and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the junction, for a distance of 47 metres in each direction measured along the nearside carriageway edge in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object above ground level.

Reason – In the interests of highway safety.

34. In accordance with the approved Monitoring and Phasing Programme, the subject of Condition 24 above, a new junction shall be formed to Factory Street and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the junction, for a distance of 43 metres in each direction measured along the nearside carriageway edge in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object above ground level.

Reason – In the interests of highway safety.

35. In accordance with the approved Monitoring and Phasing Programme, the subject of Condition 24 above, modification works to the junction of Chatsworth Road and Factory Street shall be carried out in accordance with a scheme first submitted to and approved in writing by the Local Planning

Authority. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this Condition.

Reason – In the interests of highway safety.

36. In accordance with the approved Monitoring and Phasing Programme, the subject of Condition 24 above, improvement works to Goytside Road (including access arrangements into the site) shall be carried out in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this Condition.

Reason – In the interests of highway safety.

37. In accordance with the approved Monitoring and Phasing Programme, the subject of Condition 1 above, improvement works to achieve adoption standards on Dock Walk shall be carried out in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority, once satisfactorily completed, the improved road being dedicated as highway to be maintained in future at public expense.

Reason – In the interests of highway safety.

38. All existing vehicular and pedestrian accesses to the existing highway made redundant as a result of the proposed development shall be permanently closed with a physical barrier and the footway reinstated in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

39. The premises, the subject of each phase of the development, shall not be occupied/ taken into use until space has been provided within the site curtilage for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ staff/

customers/ service and delivery vehicles (including secure/ covered cycle parking), located, designed, laid out and constructed all in accordance with a scheme first submitted to and agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

Reason – In the interests of highway safety.

40. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, each phase of development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason – In the interests of highway safety.

41. There shall be no gates or other barriers within 6.0m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

42. The proposed access driveways to the existing or proposed highway shall be no steeper than 1 in 14 for the first 6.0m from the nearside highway boundary and 1 in 10 thereafter.

Reason – In the interests of highway safety.

43. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste for each phase have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Reason – In the interests of highway safety.

44. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway for each phase of the development. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

Reason – In the interests of highway safety.

45. No building or use hereby permitted shall be occupied or the use commenced until a Framework Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. Subsequently with each Reserved Matters application a Travel Plan including targets, relating to each phase (or sub-phase as may be agreed in writing with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plans shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

Reason – In the interests of highway safety.

Others

46. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

Reason - In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.

47. The development hereby approved shall include the provision of appropriate infrastructure to enable the dwellings to have high speed broadband, in accordance with details to

be submitted to, and approved in writing, by the Local Planning Authority.

Reason – In the interests of sustainable development and to ensure that the development is capable of meeting the needs of future residents and / or businesses in accordance with policy CS4 of the Core Strategy and para. 42 of the NPPF.

48. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason - In the interests of residential amenities.

49. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

Reason - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.

50. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. The hard landscaping scheme shall take account of any established root protection areas to retained trees on site and may require alternative measures of construction and finishes to be considered. Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.

51. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.

Reason - In the interests of the amenities of occupants of adjoining dwellings.

52. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.
Proposed Elevations - Drawing Ref No's 0209.1206 Rev C, 0209.1207 Rev C, 0209.1208, 0209.1209 Rev B and 0209.1210 Rev B.
Proposed Floorplans – Drawing Ref No's 0209.1201 Rev E, 0209.1202 Rev E, 0209.1203 Rev B and 0209.1204 Rev C.
Proposed Site Plan – Drawing Ref No's 0209.004 Rev G and 0209.003 (Demolition Site Works Plan).
Proposed Elevations – Drawing Ref No 0209.1211.
Proposed Elevations – Drawing Ref No 0209.1212.
Statement of Community Involvement (prepared by Cerda Planning dated Dec 2015);
Geotechnical and Geo-Environmental Desk Study for Walton Works (prepared by Eastwoods & Partners dated July 2015);
Geotechnical and Geo-Environmental Desk Study for Boythorpe Works (prepared by Eastwoods & Partners dated July 2015);
Sequential Assessment (prepared by Cerda Planning dated Dec 2015);
Retail Impact Assessment (prepared by Cushman & Wakefield dated Dec 2015);
Arboricultural Report (prepared by Ian Kennedy dated 08 Dec 2015);

Heritage Statement (prepared by Heritage Collective LLP dated May 2012);
 Heritage Statement Addendum (prepared by Cerda Planning dated Dec 2015);
 Archaeological Desk Based Assessment (prepared by Heritage Collective LLP dated May 2012);
 Noise Assessment (prepared by Acoustic Design & Control dated 17 April 2012);
 Noise Assessment Addendum (prepared by Noise Assess dated 16 Dec 2015);
 Transport Assessment (prepared by AECOM dated July 2016) inc. Alternative Access Strategy received on 28 October 2016;
 Ecology Report (prepared by BSG Ecology dated September 2016) inc. White Clawed Crayfish Survey and River Hipper Baseline Survey (also prepared by BSG Ecology dated August 2016);
 Flood Risk Assessment (prepared by Eastwood & Partners dated October 2016);
 Surface Water Drainage Strategy Plans (prepared by Eastwoods & Partners dated June 2016 with additional information received 08 Nov 2016); and
 Mascot Management Cost Report dated 18th December 2015 and Wilkins Vardy Development Appraisal dated 08 Feb 2016

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.

53. a) No development shall take place (or in the case of phased development, in respect of the relevant phase) until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording

4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

Before submission of any reserved matters application with details of layout, the trial trenching phase of the archaeological scheme shall have taken place in accordance with an agreed specification, and the resulting report shall have been submitted to the local planning authority.

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason – To ensure that any archaeological interest is appropriately assessed and documented prior to any other works commencing which may affect the interest in accordance with policy CS19 of the Core Strategy and the wider NPPF.

Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.

02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.

Drainage & EA

03. The County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed.
04. To discharge the conditions the applicant should ensure all of the below parameters have been satisfied:
1. The production and submission of a scheme design demonstrating full compliance with DEFRA's Non-statutory technical standards for sustainable drainage systems:
 - a) Limiting the discharge rate and storing the excess surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical duration rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site to comply with S2 & S3.
 - b) Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to comply with S7 & S8.
 - c) Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
 - d) Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
 - e) Production of a plan showing above ground flood pathways where relevant for events in excess of 1 in 100 year rainfall event to comply with S9.

- f) Where reasonably practicable demonstrate that the runoff volume of the site reflects the requirements of S4.
2. The submission of a structural survey of the existing culvert, carried out by a suitably qualified Structural Engineer, identified to be the point of surface water discharge and implementation of any identified recommendations.
05. A permit will be required under the Environmental Permitting Regulations 2010 from the Environment Agency, for any proposed works or structures in, under, over or within eight metres of a 'main river' (e.g. bridge/outfall/ channel improvements). A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> (condition 6 above)
06. Riverside berms (required by condition 7 above) should be at or just above mean water level. Berms are more beneficial than gently sloping banks. Native marginal plant species could then be encouraged via plug planting or the use of coir pallets. In this way the creation of natural riverside habitats can be encouraged. A border of natural marginal vegetation would be useful to provide cover, shade and a source of terrestrial food input to the river.
07. River channel features (required by condition 8 above) will help encourage more varied flows within the river as it passes through the site. Features could include:
- a) The breaking up of sections of the current artificial bed in order to create more natural conditions;
 - b) The creation of pinch points within the river that will allow for more variable water flows;
 - c) The creation of small pools and riffles;
 - d) The use of secured woody debris that could provide flow and habitat diversity. A report will need to be produced that includes a map showing these features and where they will be created.

Highways

08. The Highway Authority recommends that the first 6m of the proposed access driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.
09. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway/new estate street measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
10. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
11. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538578).
12. Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (eg; existing public sewer, highway drain or watercourse) to be sanctioned by the Water

Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

13. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
14. The application site is affected by a Public Right of Way (Footpath number 188 Chesterfield on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Advice regarding the temporary (or permanent) diversion of such routes may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01529 580000 and ask for the Rights of Way Officer).
15. Car parking spaces should measure 2.4m x 5.5m (larger in the case of spaces for use by disabled drivers) with adequate space behind each space for manoeuvring.
16. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of

development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.

17. Where development has been approved subject to the preparation and implementation of a Travel Plan, the applicant is obliged to submit the appropriate documentation to the Local Planning Authority well in advance of the development being taken into use. Advice regarding the content of Travel Plans may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 580000 and ask for the Transportation Section).

CIL

18. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.

11.3 CHE/15/00843/LBC

Conditions

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.

02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.
- Proposed Elevations - Drawing Ref No's 0209.1206 Rev C, 0209.1207 Rev C, 0209.1208, 0209.1209 Rev B and 0209.1210 Rev B.
- Proposed Floorplans – Drawing Ref No's 0209.1201 Rev E, 0209.1202 Rev E, 0209.1203 Rev B and 0209.1204 Rev C.
- Proposed Site Plan – Drawing Ref No's 0209.004 Rev G and 0209.003 (Demolition Site Works Plan).
- Proposed Elevations – Drawing Ref No 0209.1211.
- Proposed Elevations – Drawing Ref No 0209.1212.
- Statement of Community Involvement (prepared by Cerda Planning dated Dec 2015);
- Geotechnical and Geo-Environmental Desk Study for Walton Works (prepared by Eastwoods & Partners dated July 2015);
- Geotechnical and Geo-Environmental Desk Study for Boythorpe Works (prepared by Eastwoods & Partners dated July 2015);
- Sequential Assessment (prepared by Cerda Planning dated Dec 2015);
- Retail Impact Assessment (prepared by Cushman & Wakefield dated Dec 2015);
- Arboricultural Report (prepared by Ian Kennedy dated 08 Dec 2015);
- Heritage Statement (prepared by Heritage Collective LLP dated May 2012);
- Heritage Statement Addendum (prepared by Cerda Planning dated Dec 2015);
- Archaeological Desk Based Assessment (prepared by Heritage Collective LLP dated May 2012);
- Noise Assessment (prepared by Acoustic Design & Control dated 17 April 2012);
- Noise Assessment Addendum (prepared by Noise Assess dated 16 Dec 2015);
- Transport Assessment (prepared by AECOM dated July 2016) inc. Alternative Access Strategy received on 28 October 2016;
- Ecology Report (prepared by BSG Ecology dated September 2016) inc. White Clawed Crayfish Survey and River Hipper Baseline Survey (also prepared by BSG Ecology dated August 2016);

Flood Risk Assessment (prepared by Eastwood & Partners dated October 2016);
Surface Water Drainage Strategy Plans (prepared by Eastwoods & Partners dated June 2016 with additional information received 08 Nov 2016); and
Mascot Management Cost Report dated 18th December 2015 and Wilkins Vardy Development Appraisal dated 08 Feb 2016

Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

03. Development shall not commence until a windows and doors schedule of works has been submitted to the Local Planning Authority for consideration and written approval. This schedule shall include any proposed changes to existing windows and doors throughout the mill complex and include the proposed design, means of opening and materials for any new windows and doors, including the proposed ground floor glazed entrance lobby for buildings 7 & 11. Robust justification to the satisfaction of the Local Planning Authority will be required to justify the replacement of any windows and doors with historic and architectural value. Only those details approved in writing by the Local Planning Authority shall be implemented on site in strict accordance with the approved schedule.

Reason – In the interests of preserving and protecting the special character and appearance of the listed building, in accordance with policy CS19 of the Core Strategy and wider NPPF.

04. Development shall not commence until an interior schedule of works has been submitted to the Local Planning Authority for consideration and written approval. This schedule shall include detailed floor plans to demonstrate how the proposed room layouts will secure minimal impacts on the interior of the listed buildings and the schedule will need to demonstrate how the apartments will be arranged to preserve and integrate with the cast iron columns, brick arches and historic floor structures. Only those details approved in writing by the Local Planning Authority shall be

implemented on site in strict accordance with the approved schedule.

Reason – In the interests of preserving and protecting the special character and appearance of the listed building, in accordance with policy CS19 of the Core Strategy and wider NPPF.

05. Development shall not commence until full details of the proposed service plans in and around the listed building have been submitted to the Local Planning Authority for consideration and written approval. These plans shall include the location of main service runs and plant relating to gas, electricity, ventilation and waste. Only those details approved in writing by the Local Planning Authority shall be implemented on site in strict accordance with the approved scheme.

Reason – In the interests of preserving and protecting the special character and appearance of the listed building, in accordance with policy CS19 of the Core Strategy and wider NPPF.

06. Development shall not commence until further details of any new materials samples or specifications have been submitted to the Local Planning Authority for consideration and written approval. These details shall include any new roofing materials, brickwork, stonework and re-pointing; as well as details / specifications of the proposed materials for the external lifts and additional floor elevations. Only those details approved in writing by the Local Planning Authority shall be implemented on site in strict accordance with the approved scheme.

Reason – In the interests of preserving and protecting the special character and appearance of the listed building, in accordance with policy CS19 of the Core Strategy and wider NPPF.

07. Development shall not commence until a further details of all rain water goods have been submitted to the Local Planning Authority for consideration and written approval. These details shall include the detailed design and material

specification of any new guttering down pipes and hoppers. Only those details approved in writing by the Local Planning Authority shall be implemented on site in strict accordance with the approved scheme.

Reason – In the interests of preserving and protecting the special character and appearance of the listed building, in accordance with policy CS19 of the Core Strategy and wider NPPF.

08. Development shall not commence until further details and sectional drawings have been submitted to the Local Planning Authority for consideration and written approval detailing the integration of the new floors and lifts to the existing building. These plans shall include drawings / details showing how the modern additions will connect to the existing elevations and floors and detail treatment and finishes of cornicing, exposed brickwork etc). Only those details approved in writing by the Local Planning Authority shall be implemented on site in strict accordance with the approved scheme.

Reason – In the interests of preserving and protecting the special character and appearance of the listed building, in accordance with policy CS19 of the Core Strategy and wider NPPF.

09. Development shall not commence until further details of the proposed works to the existing water tank to create the proposed viewing platform have been submitted to the Local Planning Authority for consideration and written approval. Only those details approved in writing by the Local Planning Authority shall be implemented on site in strict accordance with the approved scheme.

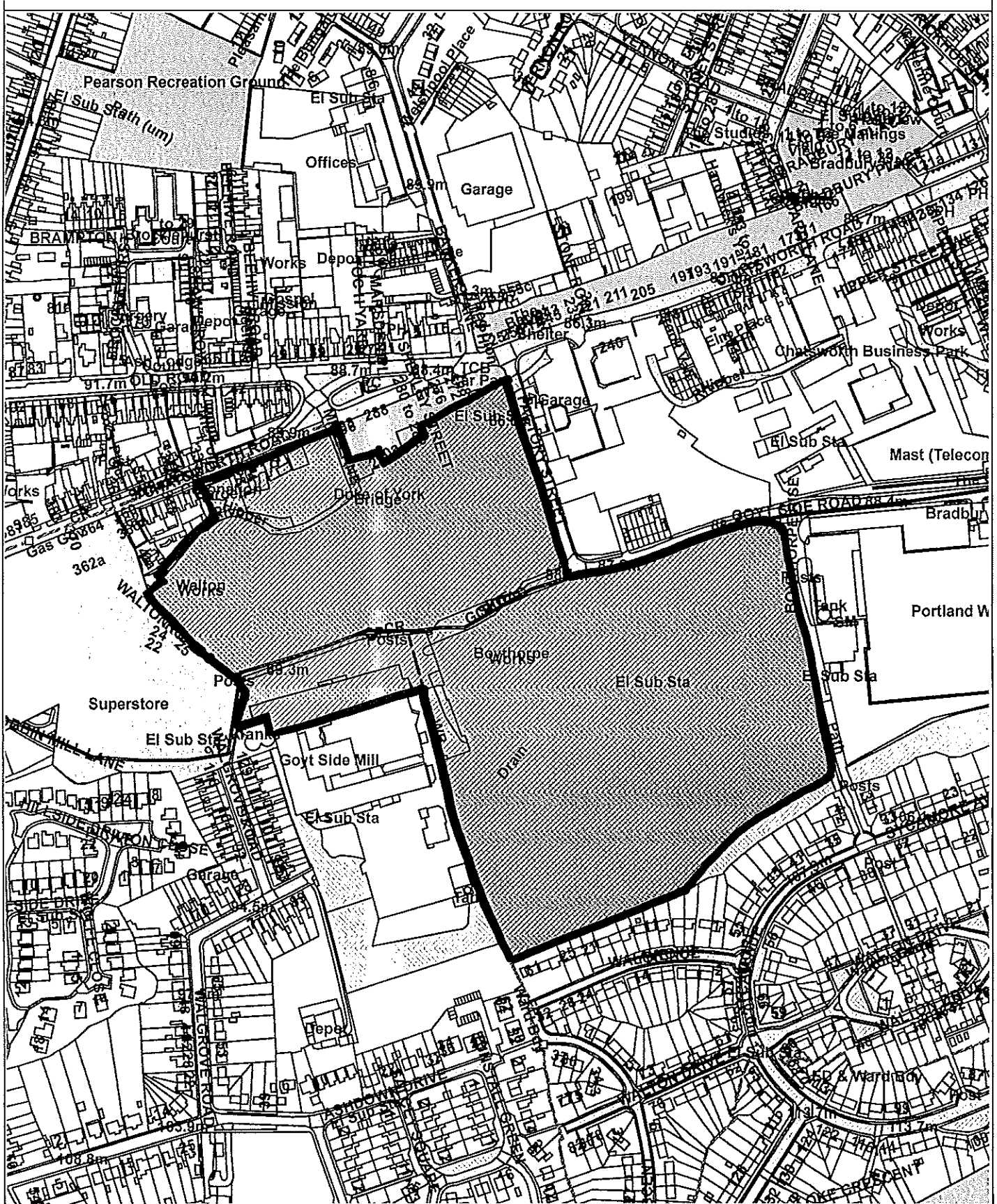
Reason – In the interests of preserving and protecting the special character and appearance of the listed building, in accordance with policy CS19 of the Core Strategy and wider NPPF.

Notes

01. This approval contains condition/s which makes requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.

02. 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.

PLANNING COMMITTEE – Update Report - CHE/15/00843/LBC and
CHE/15/00832/FUL – Walton Works



CHESTERFIELD
BOROUGH COUNCIL

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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	15 MAY 2017
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Group Leader, Development Management under the following Delegation references:- Building Regulations P150D and P160D, P570D, P580D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

These are reported to Planning Committee for information only. Anyone requiring further information on any of the matters contained in this report should contact:-

Building Regulations	Stuart Franklin	345820
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Decisions made under the Building Regulations

17/00537/DCC	Derbyshire County Council Pitched roof re-cover at Hasland Youth Centre Hasland Youth Centre Hasland Hall Community School Broomfield Avenue Hasland Chesterfield Derbyshire S41 0LP	Unconditional Approval	24/04/2017
17/00540/OTHC	Other Works (Commercial) Creation of smaller offices in large office Love Your Skin Dunston Innovation Centre Dunston Road Chesterfield Derbyshire S41 8NG	Unconditional Approval	19/04/2017
17/00527/OTHBN	Other(Domestic) Works Building Notice Conversion of dilapidated ext store and WC to shower room and WC 115 - 117 Baden Powell Road Chesterfield Derbyshire S40 2RL	Conditional Approval	27/04/2017
17/00361/DEX	Domestic Extensions/Alterations Two storey and single storey extension 51 Langtree Avenue Old Whittington Chesterfield Derbyshire S41 9HW	Unconditional Approval	19/04/2017
17/00595/DEX	Domestic Extensions/Alterations Extension 59 Peveril Road Newbold Chesterfield Derbyshire S41 8RY	Unconditional Approval	13/04/2017
17/00243/DEX	Domestic Extensions/Alterations Single storey rear extension and first floor extension over garage 6 Woodside Close Loundsley Green Chesterfield Derbyshire S40 4PW	Conditional Approval	12/04/2017
17/00616/DEX	Domestic Extensions/Alterations Extension to rear 15 Newby Road Newbold Chesterfield Derbyshire S41 8HG	Unconditional Approval	21/04/2017
17/00617/OTHD	Other Works (Domestic) Garage - store alteration to dining room 88 Moorland View Road Walton Chesterfield Derbyshire S40 3DF	Conditional Approval	13/04/2017
17/00472/DEX	Domestic Extensions/Alterations Single storey rear extension 1 Manor House Court Stonegravels Chesterfield Derbyshire S41 7GY	Rejected	20/04/2017
17/00309/DEX	Domestic Extensions/Alterations Kitchen extension 6 Leyburn Close Brockwell Chesterfield Derbyshire S40 4DW	Unconditional Approval	11/04/2017
17/00393/MUL	Multiple Domestic Extension and loft conversion 108 Peveril Road Newbold Chesterfield Derbyshire S41 8SG	Conditional Approval	12/04/2017

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Agenda Item 6

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	15 MAY 2017
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Group Leader, Development Management under the following Delegation references:- Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D Agricultural and Telecommunications P330D and P340D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

These are reported to Planning Committee for information only. Anyone requiring further information on any of the matters contained in this report should contact:-

Planning Applications	Paul Staniforth	345781
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Delegated List
Planning Applications

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/16/00538/LBC 636	Middlecroft and Poolsbrook	Ground floor extension to rear (revised drawings received 27.01.2017) At Old Rectory Guest House 8 Church Street Staveley S43 3TL For Mr Bill Cooney	CP	28/04/2017
CHE/16/00540/FUL 636	Middlecroft and Poolsbrook	Ground floor extension (revised drawings received 08.03.2017) At Old Rectory Guest House 8 Church Street Staveley S43 3TL For Mr Bill Cooney	CP	28/04/2017
CHE/16/00628/FUL 6490	Brockwell	Removal of front hedge to Albion Road to be replaced by 2m high fence, and two outbuildings - one outbuilding containing hot tub and one outbuilding with outdoor seating. Amended information received and amended description At 3 Albion Road Chesterfield S40 1NB For Mrs Silvia Richards	CP	18/04/2017
CHE/16/00812/FUL 2207	West	An existing garage is to be demolished and rebuilt in a different location as shown on the attached drawings - amendments to CHE/15/00774/FUL At 662 Chatsworth Road Chesterfield S40 3NU For Mr Adam Lord	CP	26/04/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00008/FUL 1294	Brimington North	Proposed single storey garage extension with internal alteration at ground floor level At 13 George Street Brimington S43 1HG For Mr Chris Blackwell	CP	13/04/2017
CHE/17/00012/FUL 1073	Hollingwood and Inkersall	Two storey extension to the side elevation At 4 Chestnut Drive Hollingwood S43 2LZ For Mr David Bannister	CP	10/04/2017
CHE/17/00035/FUL 1222	Dunston	Two storey rear extension including internal alterations At 491 Newbold Road Chesterfield S41 8AE For Ms Andrea Collins	CP	12/04/2017
CHE/17/00046/FUL 11	Walton	Single storey rear extension At 1 St Davids Rise Walton S40 3HD For Mr Tom Snowdon	CP	10/04/2017
CHE/17/00052/FUL 152	Old Whittington	Demolition of existing garage, extensions to property, Internal alterations with refurbishment and hip type roof (revised plans received 24.03.2017) At 1 Hundall Lane Old Whittington S41 9QT For Mr and Mrs Lawson	CP	28/04/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00062/CO 5123	Old Whittington	Change of use to hot food takeaway At 50 Whittington Hill Old Whittington S41 9HA For Mr Barham Mohammed Mustafa	REF	11/04/2017
CHE/17/00084/FUL 288	St Leonards	Replacement of original single glazed metal framed windows with new double glazed aluminium windows with maintenance free polyester powder coated finish. Colour RAL 8014 (Sepia Brown) selected to match colour of existing window frames At Police Station New Beetwell Street Chesterfield S40 1QP For Rider Levett Bucknall	CP	20/04/2017
CHE/17/00088/FUL 2419	St Leonards	Single storey extension (revised plans received 22.03.2017) At 134 Hady Hill Hady S41 0EF For Mr Andy Laughton	CP	28/04/2017
CHE/17/00097/LBC 218	Dunston	Take down end wall of brick built dairy adjoining farmhouse on Dunston Barns property, rebuild end wall in stone within farmhouse boundary to cut off access to Dunston Barns property and also take down wooden coal store situated in yard at rear of farmhouse At Dunston Grange Farm Dunston Lane S41 9RJ For Mr Philip Simpson	CP	26/04/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00107/CO 2868	St Leonards	Change of use from D1 to D2 (yoga studio) At 19 South Street Chesterfield S40 1QX For Mrs T Boynton	CP	26/04/2017
CHE/17/00108/ADV 1696	Middlecroft and Poolsbrook	3 off externally illuminated fascia sign with M3 letters and 1 off externally illuminated totem sign At Proposed Co-op Development Inkersall Green Road Inkersall S43 3HA For Central England Co-operative	CP	18/04/2017
CHE/17/00109/FUL 5587	Walton	Demolition of existing single storey side extension and existing porch and extension to side of the dwelling over previously converted garage At 54 Foxbrook Drive Walton S40 3JR For Mr Amarnath	CP	13/04/2017
CHE/17/00112/FUL 2723	Moor	Change of use required from Business use, A2 Financial and professional services, back to residential use. At Total Accountancy Ltd 490 Sheffield Road Whittington Moor S41 8LP For Miss Jolene Elliott	CP	25/04/2017
CHE/17/00117/FUL 6400	Brockwell	Single storey side extension to replace existing side outbuilding, new sloping roof to rear At 14 Rhodes Avenue S41 7AY For Mr Andrew Flint	CP	25/04/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00118/FUL 751	Barrow Hill and New Whittington	Proposed single storey side and rear adjoined extension to cater for new utility space and living area, works will include internal re-model of existing house At 16 Station Road Barrow Hill S43 2NL For Mr John Treweek	CP	10/04/2017
CHE/17/00122/CO 6046	Holmebrook	Change of use from butchers shop to beauty salon At Reads Butchers Ltd 37 Chatsworth Road S40 2AH For The Pamper Shack	CP	18/04/2017
CHE/17/00129/FUL 2830	Barrow Hill and New Whittington	Engineering operations to provide a stepped approach and widened driveway together with widened dropped kerb At 247 Handley Road New Whittington S43 2ES For Mr Keith Lawson	CP	13/04/2017
CHE/17/00130/RE 4007	Hasland	Reserved matters application for CHE/16/00486/OUT for proposed single storey bungalow. Additional information received 18.04.2017 At 104 Calow Lane Hasland S41 0AX For Mrs Dianne Harrison	CP	19/04/2017
CHE/17/00131/FUL 1597	St Leonards	Two storey side extension At 10 Herriot Drive Chesterfield S40 2UR For Mr Gareth McManus	CP	26/04/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00133/FUL 2162	St Leonards	Re-submission of CHE/16/00710/FUL for erection of a conservatory with lean to roof at the rear of house At 146 Spital Lane Chesterfield S41 0HN For Mr Leigh Merry	CP	20/04/2017
CHE/17/00135/FUL 4638	Walton	Erection of a single storey dwelling including reconfigure boundary between No.82 and new dwelling along with new site crossover onto Delves Close At Rear Of 82 Walton Road Walton S40 3BY For Ms Andrea Collins	REF	26/04/2017
CHE/17/00140/RET 5634	Linacre	Removal of hedge and replacement with a wooden fence with concrete posts. At 7 Craglands Grove Chesterfield S40 4XT For Mr Ian Dicken	CP	18/04/2017
CHE/17/00142/FUL 4072	Dunston	Double storey side extension and single storey rear extension and internal alterations - revised os plan received 18/04/2017 At 1 Brookside Cottages Hackney Lane Nesfield Barlow S18 7TB For Mr Glen Frost	CP	19/04/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00145/FUL 3690	West	Ground floor extension to rear and side elevations At 738 Chatsworth Road Chesterfield S40 3PN For Mr Simon Jones	CP	02/05/2017
CHE/17/00146/FUL	Hasland	First floor extension for alterations to existing building to provide 4 additional GP consultation rooms and wheel chair hoist lift. Alterations to car park to provide 4 additional car parking spaces. At Hasland Medical Centre 1 Jepson Road Hasland S41 0NZ For Rosalyn Hewitt	CP	19/04/2017
CHE/17/00148/FUL 49	West	Alterations to previously approved application CHE/15/00356/FUL to allow flat roof side extension in lieu of pitched roof side extension (2 storey) in association with front and rear extensions At 68 Netherfield Road Chesterfield S40 3LS For Mrs Helen McDonald	CP	19/04/2017
CHE/17/00155/DO 1667	Brockwell	Discharge of Condition No.6 (additional off street parking now located in front of the property including new proposed vehicle access) - Planning Application CHE/15/00719/FUL (Proposed two storey and single storey extensions) At 3 Holmebank East Chesterfield For Mr Shahid Parvez		02/05/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00162/FUL 3899	Walton	Ground floor rear extension and patio, loft conversion and front car hardstanding At 9 Hazel Drive Walton S40 3EN For Mr and Mrs M Edmunds	CP	02/05/2017
CHE/17/00164/TPD 5507	Moor	Rear extension At 108 Peveril Road Chesterfield S41 8SG For Mr and Mrs Robertson	PANR	12/04/2017
CHE/17/00169/FUL 3071	Moor	Single storey rear extension At 28 Dukes Drive Chesterfield S41 8QG For Mr Tim Kirk	CP	02/05/2017
CHE/17/00180/CO 2106	St Leonards	Change of use to retail area from A1 to A3 At Market Hall Market Place Chesterfield S40 1AR For Chesterfield Borough Council	CP	27/04/2017
CHE/17/00184/TPD	Brockwell	Single storey lean-to rear extension At 38 Franklyn Road Chesterfield S40 4AY For Mr Graeme Cooper	PANR	12/04/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00193/TPO 4077	Brimington North	Oak (T43) to prune branch extension by 1.5 over the plot and remove branch growing over the sub-station , Poplar (T48) to dismantle fell, Maple (T46) dismantle fell, Maple (T36) to crown lift behind plot 2, Lime (T14) dismantle fell, Oak (T11) Side prune the site side of the tree by 1.5m and remove a low limb At Ringwood Centre Victoria Street Brimington S43 1HY For D J Atkinson Construction Ltd	CP	10/04/2017
CHE/17/00210/TPO 1736	West	Beech in group G2 - prune back to 2m from house At Netherleigh 34 Netherleigh Road Chesterfield S40 3QJ For Mr Ashley Kirk	CP	11/04/2017
CHE/17/00212/TPO	St Leonards	Crown lift and thin all trees behind 88 Hady Crescent At St Peter and St Paul School Hady Hill S41 0EF For Mrs Lynne Lynch	CP	10/04/2017
CHE/17/00242/NM 2244	Brimington South	Non material amendment to CHE/16/00168/FUL At 15 Balmoak Lane Tapton S41 0TH For Ray and Linda Avery	UP	12/04/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00246/TPO 1901	West	1 Sycamore, 1 Ash, 2 x Horse Chestnuts. All 4 trees to be crowned and thinned by 20% and the crown lifted by 3 metres At 8 Green Glen Chesterfield S40 3SH For Mrs Kate Ogilby	CP	10/04/2017
CHE/17/00254/TPD	Dunston	Proposed rear single storey At 15 Newby Road Newbold S41 8HG For Mr Bill Atkins	PANR	24/04/2017
CHE/17/00275/NM	St Helens	Non-material amendment to CHE/14/00862/FUL(Rear single storey extension, single storey to front and rear of existing garage, garage conversion and extension to existing front porch)to reposition door to front extension to garage, remove side door and replace with window on extension to existing garage (rear), reposition windows and doors to rear of single storey rear extension and increase amount of velux roof lights to rear single storey extension At 181 Newbold Road Newbold S41 7PR For Mrs S Pearce		02/05/2017

Delegated List - Planning Applications

Key to Decisions

Code	Description
AC	Historic
AP	Historic
APPRET	Application returned to applicant
CI	Called in by secretary of state
CIRNO	Circular 18/84 no objection
CNOCO	Circular 18/84 no objs but conditions
CONCOM	Confirmation Compliance with Conditions
CP	Conditional permission
CPEOTZ	Conditional Permission Extension of Time
CPMAZ	Conditional consent for material amendment
CPRE1Z	Conditional Permission Vary Conditions
CPRET	Conditional Approval Retrospective
DPC	Discharge of Planning Conditions
FDO	Finally Disposed Of
GR CLOPUD	CLOPUD Granted
GRANT CLUD	CLUD Granted
GRNTEX	Permission Granted with Exemption
ND	Non Development
OBJ	Other Council objection
OC	Other Council no obj with comments
OW	Other Council no obj without comments
PA	Prior Notification Approval
PADEM	Prior Notification Demolition Approve
PD	Found to be Permitted Development
PR	Prior Notification Refusal
RAP	Retrospective Application Refused
RARETZ	Retrospective Application Approved
RC	Application Refused
REF	Refused
RETAP	DO NOT USE
RETRFZ	Retrospective Application Refused
RF CLODUP	CLOPUD Refused
RTN	Invalid Application Returned
S106	S106 Approved pending planning obligation
SC	Split decision with conditions
SU	Split decision - approval unconditional
UP	Unconditional permission
UPRET	Unconditional Approval Retrospective
WDN	Withdrawn
XXXXXX	Recommendation Pending

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AGENDA ITEM

APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 15 May 2017
REPORT BY: GROUP LEADER
DEVELOPMENT MANAGEMENT

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

<u>TITLE</u>	<u>LOCATION</u>
Non exempt papers on files referred to in report	Development Management Section Planning Service Town Hall Chesterfield

1.0 PURPOSE OF REPORT

- 1.1 To inform Members regarding the current status of appeals being dealt with by the Council.

PAUL STANIFORTH
GROUP LEADER, DEVELOPMENT MANAGEMENT

These are reported to Planning Committee for information only. Anyone requiring further information on any of the matters contained in this report should contact Paul Staniforth on 01246 345781.

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APPEALS

<u>FILE NO.</u>	<u>APPLICATION CODE & WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/4150	West ward	Mr D Pogson of 31 Storrs Road	CHE/16/00669/TPO Refusal to felling of Beech tree at 25a Storrs Road	Officer delegation	15/12/16	Written Reps (HAS)	
2/4071	Moor ward	Mr D Revitt	10 Pottery Lane West Excavation of rear garden area – Enforcement Notice Ground c (works are permitted development)	Planning Committee	28/02/17	Written Reps	
2/3026	Middlecroft & Poolsbrook ward	Mr J Muse	CHE/16/00717/FUL Four houses to rear 109 Middlecroft Road - Refusal	Officer delegated	3/4/17	Written Reps	
2/3559	St Leonards	Mr Paul Roberts	CHE/17/00077/COU Change of Use to gymnasium at unit 26 Storforth Lane Trading Estate – Refusal	Officer delegated	25/4/17	Written Reps	
2/1002	Rother ward	Mr M Kirby	CHE/17/00017/OUT Dwelling on land at 1 Branton Close – Refusal	Planning Committee – against officer advice	27/4/17	Written Reps	
2/2404	Lowgates & Woodthorpe	Mr and Mrs Hall	CHE/16/00804/FUL – Conversion of Goat Shed to Holiday let at 23 Bridle Road – Refusal	Officer Delegated	30/4/17	Written Reps	
2/310	West ward	Mr Keith Aston	CHE/17/00119/MA – Material Amendment of plots 1 and 2 at 246a Ashgate Road - Refusal	Planning Committee – against officer advice	2/5/17	Written Reps?	

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FOR PUBLICATION Agenda Item 8

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 15TH MAY 2017
REPORT BY: LOCAL GOVERNMENT AND REGULATORY LAW MANAGER
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER
WARD: As listed in the report

FOR PUBLICATION

TITLE: D255 and Non-exempt papers (if any) on relevant files

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

1.1 To update members, and get further authority, on formal enforcement.

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

3.1 Formal enforcement is a last resort, with most planning problems resolved without formal action (in accordance with government guidance). More information on informal enforcement is available from the Planning Service.

4.0 MORE INFORMATION ABOUT THE TABLE

4.1 A summary of the main types of planning enforcement action available to the Council and penalties for non compliance is available from Legal Services.

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
LOCAL GOVERNMENT AND
REGULATORY LAW MANAGER

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

Further information on this report from Gerard Rogers, Legal Services
Tel 01246 345310 or email gerard.rogers@chesterfield.gov.uk

ENFORCEMENT REPORT

Enforcements currently Authorised: 11

03 May 2017

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	<small>update last update</small>	Ward
Enforcement Notice		<i>Total currently Authorised: 7 Authorised to Issue Average: 27.5 days</i>							
Hady Lane	15/10/12 <small>1,661</small>	occupation of land					Resubmitted application for relocation site granted 06/10/14, and details on conditions submitted. Outcome of Village Green Inquiry - DCC rejected the applications on 25/07/16. Currently moving to authorised site.	<input type="checkbox"/> <small>11/11/16</small>	Ha
Healey Drive	40								
		means of enclosure		10/03/17 <small>39</small>	14/04/17 <small>19</small>	15/05/17 <small>-12</small>	Boundary treatment. Complied. Any further enforcement delegated to officers.	<input checked="" type="checkbox"/> <small>02/05/17</small>	
Lincoln Street	13/03/17 <small>51</small>	use of materials to extend hardsurfacing					use of materials to extend hardsurfacing. About to be issued.	<input type="checkbox"/> <small>06/04/17</small>	

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Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Lincoln Street		13/03/17 51	change of use from agriculture to storage of scrap vehicles					Change of use from agriculture to storage of scrap vehicles. About to be issued.	<input type="checkbox"/> 06/04/17	
Pottery Lane West	10	09/01/17 114	excavation - engineering works		25/01/17 16			Appeal, waiting for clarification of grounds	<input checked="" type="checkbox"/> 02/05/17	
Taton View Road	47	24/04/17 9	unauthorised extension	16/00648				Application for retention dismissed on appeal. Enforce removal.	<input type="checkbox"/> 02/04/17	SH
Walton Works		27/06/16 310	use for war and horror style games					Cease war and horror style games at weekends and after 18:00 hours, and pyrotechnics at any time. 12/12/16 Committee approved proposal for Section 106 planning obligation to regulate unauthorised occupation pending redevelopment. Draft with agents.	<input type="checkbox"/> 03/03/17	Wa

Stop Notice

Total currently Authorised: 1 Authorised to Issue Average: days

Details at 03 May 2017

Address	Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Walton Works	27/06/16 310	use for war and horror style games of game play					See notes for Enforcement Notice.	<input type="checkbox"/> 03/03/17	Wa

TPO Prosecution

Total currently Authorised: 3 Authorised to Issue Average: days

Devonshire Street Park	Devonshire 14/12/16 140	pollarding of lime tree					27/04/17: Guilty plea by company, £2000 fine, costs of £100 and vicitim surcharge £170.	<input checked="" type="checkbox"/> 27/04/17	BN
Dock Walk	24/10/16 191	felling 9 TPO trees					In court initially 16/03/17 next hearing 25/05/17	<input type="checkbox"/> 20/03/17	
Victoria Street	Ringwood Centre (former) 01/03/17 63	damage to roots of 3 protected trees					Instructed. Caution.	<input type="checkbox"/> 01/03/17	HI

Action authorised by Committee except Breach of Condition, Planning Contravention, Section 215 Notices, Advertisement Discontinuance, prosecutions and urgent action which are authorised by officers

Key to Ward abbreviations: BNW Barrow Hill and New Whittington • BN Brimington North • BS Brimington South • B Brockwell • D Dunston • Ha Hasland • Hb Holmebrook • HI Hollingwood and Inkersall • L Linacre • LG Loundsley Green • LW Lowgates and Woodthorpe • MP Middlecroft and Poolsbrook • Mo Moor • N Newbold • OW Old Whittington • R Rother • SH St Helens • SL St Leonards • Wa Walton • We West