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

|                          |   |
|--------------------------|---|
| Archaeologist            | objections                                      |
| HS2 Ltd                  | Comments received 02/05/2017<br>– no objections |
| Ward Members             | No comments received                            |
| Site Notice / Neighbours | Six letters of representation<br>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**

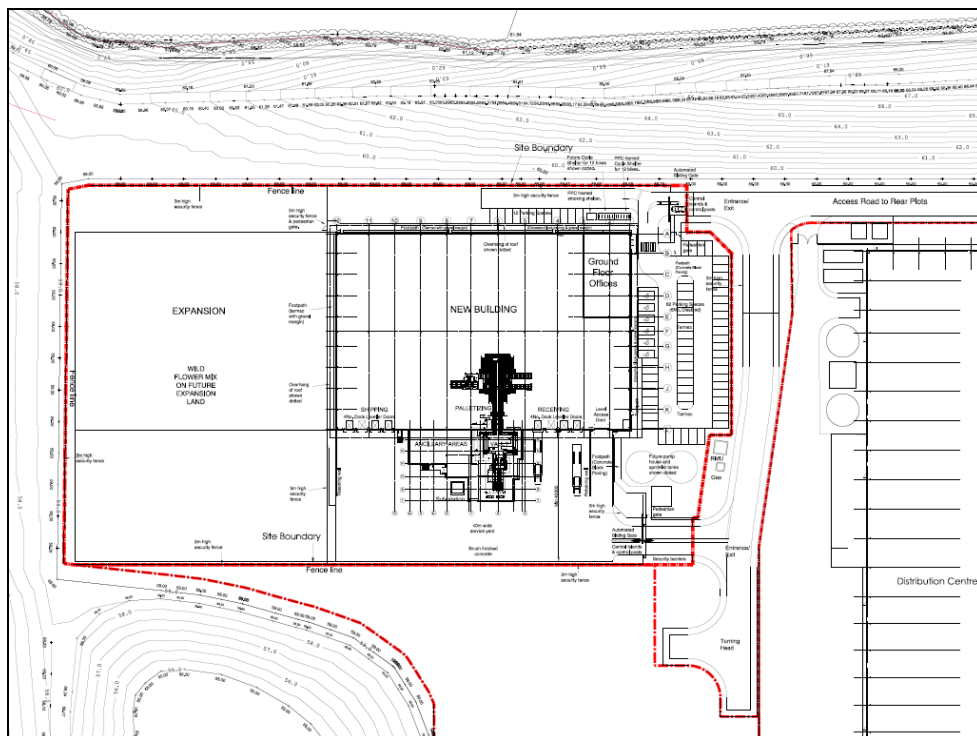
- 3.1 CHE/0502/0312 - Commercial (not major retail), office, industrial and warehouse development; new and altered road (including a new motorway junction); land reclamation, ground re-modelling, drainage, landscaping and re-use of railheads on 360 hectares of land in Bolsover, Staveley, Sutton-cum-Duckmanton 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 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 2<sup>nd</sup> 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.