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File No: CHE/17/00237/OUT
Plot No: 2/1702

ITEM 3

THE RETENTION AND CONVERSION OF THORNFIELD HOUSE AND THE DEMOLITION OF OTHER ASSOCIATED BUILDINGS AND REDEVELOPMENT FOR RESIDENTIAL USE – RESUBMISSION OF CHE/16/00653/OUT – AMENDED PLANS AND DESCRIPTION 7/9/17 AT COMMERCE CENTRE, CANAL WHARF, CHESTERFIELD, DERBYSHIRE, S41 7NA FOR EAST MIDLAND CHAMBER OF COMMERCE.

Local Plan: Unallocated
Ward: St Helens ward

1.0 **CONSULTATIONS**

Ward Members	No comments
Town/Parish Council	No comments
Strategy Planning Team	Comments received – see report
North Derbyshire CCG	Comments received – see report
Environmental Services	Comments received – see report
Design Services	No objections
Yorkshire Water Services	No comments
DCC Strategic Planning	No objections
DCC Highways	Comments received – see report
The Coal Authority	Comments received – see report
Tree Officer	Comments received – see report
Conservation Officer	Comments received – see report

Urban Design Officer	Comments received – see report
Derbyshire Wildlife Trust	No comments
Chesterfield Civic Society	Comments received – see report
Victorian Society	Comments received – see report
SAVE Britain’s Heritage	Comments received – see report
Chesterfield Canal Trust	Comments received – see report
Neighbours/Site Notice	Two letters of representation received – see report

2.0 **THE SITE**

2.1 The land subject to this application is the former Chamber of Commerce site, located at Canal Wharf in the St Helens area of Chesterfield. The site measures approximately 2,780 Square Metres, and is currently occupied by a series of buildings and a car park area. One of these buildings is Thornfield House, an early 19th century former Georgian house with some architectural and historic interest. Thornfield House is not statutorily listed but it has been included on the Council’s draft List of Local Heritage Assets and would be considered as part of the adoption process of the Local List. The other buildings on site are more modern developments that are of no significant architectural or historic interest. The site is covered by hardstanding and grassed areas, with a mixture of stone walls and perimeter fencing in a range of styles surrounding the site. Several trees that are subject to tree preservation order are situated close to the site frontage. Vehicular access is via a set of double gates leading from Canal wharf, to the South East of the site. Hazlehurst Avenue is situated to the North of the site, Canal Wharf is situated to the East of the site, Canal Mews is situated to the South of the site, and an area of trees leading to Sheffield Road is situated to the West of the site.







3.0 **RELEVANT SITE HISTORY**

- 3.1 A pre-application enquiry was made in 2015 as to whether the redevelopment of the site for residential use would be acceptable. It was advised that there may be scope for a development of this nature, however consideration should be given to the retention of Thornfield House and the protection of trees on site. An application was made and withdrawn in 2016 for the demolition of existing commercial buildings with redevelopment for residential use under CHE/16/00653/OUT. This application included the retention of Thornfield House.
- 3.2 Application CHE/15/00464/FUL was approved in 2015 for residential development of 9 x 3 bedroom houses and 10 x 2 bedroom flats at land To The Rear Of 79 Sheffield Road, to the West of the site.

4.0 **The Proposal**

- 4.1 An outline application with all matters reserved has been made for the retention and conversion of Thornfield House and the demolition of other associated buildings and redevelopment for residential use - resubmission of CHE/16/00653/OUT - amended plans and description 7/9/17. The application originally included the demolition of Thornfield House, however concerns were raised with regards to this original application. It was considered that the loss of this building would have resulted in an adverse impact on the site and the surrounding area, as it is viewed as being of some architectural and historic interest. Consultation took place with the agent dealing with this application, and it was subsequently agreed to retain Thornfield House as part of this scheme on 7/9/17. Amended plans were provided and the description of the proposed development was revised to reflect the changes to the application. An extension of time was agreed to enable the application to be presented at the 9th October 2017 committee.
- 4.2 Extensive clearance of the site and the demolition of a number of buildings would be required to cater for this proposed development. An indicative layout, tree report, coal mining risk assessment, design statement, drainage strategy and several documents in relation to viability have been submitted to support this application. No details have been provided with regards to detailed design, materials or elevations at this stage, as this is purely an outline application. The indicative layout suggests that 11 two bedroom houses, 6 two double bedroom houses and 10 three bedroom houses would be accommodated on site and that a residential conversion of Thornfield House would take place. These plans are purely indicative, and as such the quantum of development and layout of the site could be subject to change.
- 4.3 The indicative site layout suggests that residential development would take place around Thornfield House, which is situated roughly in the centre of the site. It is suggested that the existing vehicular access from Canal Wharf would be utilised to cater for this development, and

that further access roads would be connected to this. It is suggested that a pedestrian access point would be created from Canal Wharf, and the indicative plans roughly illustrate which trees are to be retained or planted.

5.0 **Policy Considerations**

- 5.1 The development plan for this site consists of the Local Plan; Core Strategy (2013) and the saved policies of the Replacement Chesterfield Borough Local Plan (2006). The site is not allocated for any specific use within the development plan and therefore the principle of the development needs to be determined with reference primarily to policies CS1 and CS2 of the Core Strategy.
- 5.3 The site is within walking distance of Chesterfield Town Centre and therefore meets the council's overall spatial strategy of 'concentration' set out in CS1. The site also meets the principle set out in policy CS2 (a to g). Bus services are available nearby on Sheffield Road and the site has good access to the borough's cycling network at either end of Canal Wharf. The principal of the development is therefore in accordance with the council's overall spatial strategy and is appropriate.
- 5.4 Given that all matters are reserved the detailed design and layout of the scheme should have regard to the council's residential design SPD 'Designing Great Places'. There is a significant area of local woodland close to the site. Most of the site is currently hardstanding or covered with buildings and the introduction of domestic gardens is likely to have some positive benefit in terms of biodiversity but this could be enhanced by a condition requiring the introduction of measures to provide roosting and nesting opportunities for birds and/or bats as part of redevelopment in order to meet the requirement for development to have a net benefit in terms of habitat as set out in the NPPF and policy CS9. There is no requirement for on-site open space. The applicant states that the indicative layout has been altered to provide additional garden space but, as this application is in outline only and does not bind the submission of reserved matters for design, layout and landscaping, a condition would still be necessary.

- 5.5 Although access is reserved, there does not appear to be any reason why it should not be possible to create safe and convenient access to the site. Pedestrian and cycle access should be prioritised in accordance with policy CS20, particularly given the accessibility of the A61 cycle route from this site. The site also currently benefits from two access points from the highway.
- 5.6 The development will be CIL liable. The site falls within the Low zone of the Council's CIL charging schedule and will therefore be liable to a CIL charge of £20 per square metre of gross internal floorspace. Exemptions may apply for matters including social housing and existing floorspace to be demolished. Any potential liability will need to be calculated in further detail at a later date subject to the information provided at the time. Based on the current Regulation 123 list, this will mean there are no further requirements for on or off-site open space or education provision.
- 5.7 The council requires that all new developments for 15 or more new dwellings deliver up to 30% of them as affordable and/or special needs housing. The applicant's design and access statement indicates that they are seeking exemption from this requirement on the basis of viability, whereas the previous application featuring demolition of the central building, had indicated 22%.
- 5.8 Derbyshire County Council strategic comments have referred to the need for an education contribution and delivery of high speed broadband. The County consider a development of 30 units would generate 6 primary and 4 secondary pupils but there is only capacity at the primary school for 2 of the 56 pupils from the development. They therefore seek a contribution of £45,596.04 for provision of 4 primary places at Abercrombie Community Primary school. It is the case that education infrastructure is included on the regulation 123 list and is therefore covered by the CIL payment that would be made. It is considered appropriate however to require high speed broadband in the scheme and a condition can deal with this matter.

5.9 Following consultation with North Derbyshire CCG, it was stated that the development proposes approximately 30 dwellings which based on the average household size in the Chesterfield Borough Council area of 2.5 per dwelling would result in an increased patient population of approximately 75. North Derbyshire CCG stated that there are a number of GP practices whose boundary covers the proposed housing development, and stated that these practices at will require additional capacity to manage increased patient demand from the housing development and population increases. It was indicated that the main practices affected would include Whittington Moor Surgery, Avenue House & Hasland Partnership and Newbold Surgery. As such, a contribution has been requested to support the development of primary care services in the area proportionate to the scale of the housing development proposed. This has been calculated as £11,412.

5.10 Policy CS20 requires that developers of Major Applications also agree a local labour clause. The scheme is likely to cost over £1m (excluding land acquisition costs). Confirmation of this should be sought and a clause/clauses relating to public art as part of S106 agreement. Public art should be provided on-site if possible.

6.0 **Design and Appearance (Inc. Neighbour Effect)**

6.1 Having regard to the positioning of the site, the development would impose the greatest degree of change to neighbouring properties on Hazlehurst Avenue, to the North of the site, Canal Mews, to the South of the site, and the new properties proposed at land to the rear of 79 Sheffield Road, to the West of the site. The indicative layout suggests that the proposed new dwellings would be situated several metres away from Canal Mews and the new properties proposed at land to the rear of 79 Sheffield Road, however properties situated on Hazlehurst Avenue would be much closer. It is considered that the indicative layout is unacceptable at present and that further consideration would need to be given to the impact on properties situated on Hazlehurst Avenue. It is considered that modifications can be made so that the quantum of development proposed can be achieved without resulting in any significant impact on neighbouring

properties. Issues with regards to overlooking, overshadowing and an overbearing impact would be considered in detail at the reserved matters stage.

7.0 **Environmental Services**

7.1 Environmental Services were consulted on the application and made the following comments;

Demolition phase:

1. Demolition shall be carried out in a manner that does not generate excessive noise and/or dust.
2. The hours of demolition shall be limited to 8:30am to 5:00pm Monday to Friday and 9:30am to 4:00pm Saturday. Demolition shall not take place on a Sunday or Public Holiday.
3. The demolition contractor will not be permitted to burn demolition materials as a means of disposal.

Proposed residential use

1. The proposed site is within close proximity to industrial buildings. Before I can comment further I recommend the applicant submit a suitable noise assessment, such as BS4142. The noise assessment should be submitted to the council and approved in writing. If the noise assessment determines that the properties should be include noise mitigation; these proposals should set out in a report format, submitted in writing to the council and approved prior to commencement of development (subject to planning consent).
2. Given the proximity to the former Thornfield Bus Depot and railway land, I recommend that the applicant carries out a desk study and site investigation. The reports should be submitted in writing to the council and approved prior to commencement of development. As the current site is covered in hardstanding, it is possible that made ground is beneath (which is usually a source of contamination).

3. All lighting on site shall be designed as to not cause glare. The applicant shall submit a lighting plan for the site.

7.2 The conditions suggested by Environmental Health are not enforceable given that there is no measure of what excessive noise or dust is. It is considered that an hours limitation on works can be imposed and a noise survey can be required to allow consideration of any necessary mitigation in the design of the site and houses, as standard, however the remaining issues can be pulled together in a Demolition and Construction Management Plan for the site which can be secured by condition.

8.0 **Design Services**

8.1 Design Services were consulted on this application. It was stated that the site is not shown to be at risk of flooding on the Environment Agency flood maps. The foul water is proposed to connect to the public sewer network which may require Yorkshire Water approval. It is noted that the surface water is proposed to discharge into the combined public sewer, replicating the existing runoff. No objection arises to this as there is no other suitable discharge point however Yorkshire Water approval may be required. The proposed surface water discharge also provides a significant reduction upon the existing scenario providing a degree of betterment to the drainage catchment.

9.0 **Yorkshire Water Services**

9.1 Yorkshire Water Services were consulted on this application and stated that if planning permission is to be granted, the following condition should be attached in order to protect the local aquatic environment and YW infrastructure:
No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the local planning authority. The details shall include evidence to confirm that other means of surface water drainage or not practical , evidence of existing positive drainage to a public sewer from the site and the means of attenuating the discharge to take account

of a minimum 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works. (To ensure that no surface water discharges take place until proper provision has been made for its Disposal).

9.2 A condition regarding drainage can be added to any planning permission issued.

10.0 **DCC Highways**

10.1 DCC Highways were consulted on this application and they stated that on the basis that all matters are reserved, there are no objections in principle to some form of residential development. Whilst an indicative layout has been submitted, it should be noted that any future reserved matters or full planning application will need to be accompanied by details demonstrating a layout and junction complying with the advice contained within the 6 C's Design Guide. That currently shown is deficient with respect to a number of issues e.g. suitability for use by HGV's at the furthest extent of the site, lack and convenience of off-street parking spaces etc. Any existing accesses made redundant by the development will need to be formally closed and reinstated to footway at an appropriate level with full height kerbs.

10.2 DCC Highways stated that it is recommended that conditions covering the following matters are included in any consent.

1. a temporary access for construction purposes;
2. space 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;

3. reserved matters or full application shall include design of the internal layout of the site in accordance with the guidance contained in the 6 C's document;
4. construction details of the residential estate road(s) and footway(s) (including layout, levels, gradients, surfacing and means of surface water drainage);
5. The carriageway(s) of the proposed estate road(s) shall be constructed in accordance with Condition 4 above up to road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s) and carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway;
6. a new vehicular junction shall be formed to Canal Wharf and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in both directions;
7. any redundant vehicular and pedestrian accesses to Canal Wharf shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway;
8. No dwelling shall be occupied until space has been laid out within the site for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear;
9. 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;

10. means to prevent the discharge of water from the development onto the highway;
11. future management and maintenance of the proposed streets within the development.

10.3 The conditions referred to are reasonable and necessary and can be incorporated into any consent granted.

11.0 **The Coal Authority**

11.1 The Coal Authority were consulted on this application and they stated that the application site falls within the defined High Risk Area indicating therefore that 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 the site is in an area of likely historic unrecorded underground coal mine workings at shallow depth. The planning application is supported by a Coal Mining Risk Assessment, dated 4 January 2017 and prepared by BSP Consulting. This report has been informed by a range of sources of information including; BGS maps, BGS memoirs and a Coal Mining Report.

11.2 The Coal Authority stated that having reviewed the available coal mining and geological information the Coal Mining Risk Assessment they conclude that there is a potential risk posed to the development by past coal mining activity. The report recommends that intrusive site investigations should be carried out on site in order to establish the exact situation in respect of coal mining legacy issues. The report recommends the drilling of 6 to 7 boreholes on site; however the nature and extent of the intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the permissions process. In the event that shallow mine workings are encountered, The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. The findings of the intrusive site investigations should inform any remedial measures which may be required.

11.3 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.

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

- * 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.

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

12.0 **Tree Officer**

12.1 The Tree officer confirms that there are 3 trees on the site covered by a tree preservation order and 5 on the neighbouring land to the west of the site which may be affected by the development. The application is outline with all matters reserved. The proposal is to demolish the existing buildings and build residential dwellings. A tree survey has also been submitted by Anderson Tree Care dated 19th-20th December 2016 and

this categories the trees on the site using the information in BS 5837 'Trees in Relation to Design, demolition and construction - Recommendations' 2012. Of the 15 individual trees referred to in the survey 14 are placed in the C1 Category which are classed as 'Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm' and 'Unremarkable trees of very limited merit or such impaired condition that they do not qualify in the higher categories'. There is also one tree reference T2 in the report which has been placed in the 'U' category which is a tree that is unsuitable for retention.

- 12.2 The tree officer confirmed his agreement that the majority of trees are classed appropriately but there are some which should be classed in the 'B' Category which are trees of moderate quality with an estimated remaining life expectancy of at least 20 years and should therefore be retained in any proposed design layout. These trees reference T1 Ash, T3 Beech, T4 & T5 Sycamore, T8 & T10 Horsechestnut (T13 & T15 on the TPO map), T9 Beech (T14 on the Order map), T12 & T13 Cherry and T15 Sycamore as referenced in the survey are all in a good condition and provide valuable maturity and amenity to the site which are located mainly to the frontage of the site off Canal Wharf. The TPO tree T15 is however showing signs of bleeding canker and dieback within the crown so this should be monitored.
- 12.3 The Tree Officer stated that although only an indicative plan of the layout, consideration should be taken of the tree constraints on the site and any development and dwellings should not encroach into the root protection areas (RPA'S) of the retained trees referred to above and PRA's calculated in the Anderson tree survey. It should also be considered whether a new access off Canal Wharf would be beneficial as this would avoid the tree constraints along the frontage and remove any impact on the two trees reference T1 Ash and T15 Sycamore widening the access. As the application stands, there are concerns over the location of the dwellings on the drawing 7343-021 Rev P3 submitted. The plots are too close to the retained trees on the site and the protected trees in the neighbouring land which haven't been taken into account. The loss of so many trees referred to in the

Anderson report and omitted on the site layout drawing would be unacceptable and there seems to be little opportunity to plant new trees to the frontage of the site in mitigation for the trees lost.

12.4 The Tree officer concluded that in principle he was not opposed to the site being re-developed for residential properties, but more consideration should be given to the trees on the site and neighbouring land. If consent is given to the application then the following conditions should be attached:

- Trees reference T1 Ash, T3 Beech, T4 & T5 Sycamore, T8 & T10 Horsechestnut (T13 & T15 on the TPO No.215 map), T9 Beech (T14 on the Order map), T12 & T13 Cherry and T15 Sycamore in the Anderson Tree Survey dated 19th-20th December 2016 should be retained and incorporated into the design layout.
- There should be no structures built within the Root Protection Areas of the trees retained on the site referred to above and those on the neighbouring land reference T16 & T18 Lime, T17 Sycamore, T20 Horsechestnut and T22 Hornbeam of TPO 4901.215.
- A detailed tree protection plan should be submitted conforming to BS 5837 'Trees in Relation to Design, demolition and construction - Recommendations' 2012
- A detailed landscaping plan should be submitted.

12.5 As a result of the Tree Officer examining other trees on site, another Tree Preservation Order was made on a further 7 specimens. This was agreed at Planning Committee, and as such the protection of these trees will also need to be considered when making a reserved matters application for development on site.

12.6 On the basis that the application is an outline with all matters reserved it is considered that the issue of relationship between trees and buildings will need to be resolved at a reserved matters stage however it is clear that the site is

capable of accommodating the development at the same time as retaining the protected trees.

13.0 **Urban Design**

13.1 The Urban Design Officer was consulted on this application and he has made a number of comments. He stated that the site is in a sustainable location and is be suitable for residential use in principle. The Design Statement provides very little commentary to explain the design approach undertaken and no site appraisal or analysis to demonstrate an understanding and appreciation of the site constraints, opportunities or how the development would interact with its surroundings.

13.2 The Urban Design Officer stated that the north boundary adjoins Hazlehurst Avenue which is residential street. The development is shown backing onto this road which would result in an extensive length of dead frontage over a distance of approximately 70m onto a public edge of the site. The layout is also side onto Canal Wharf itself resulting in staggered gables presented towards the street and further side garden boundary fences onto a main public frontage adjoining the site. Consequently the development, as shown, would relate poorly to the surrounding streets. Within the site a number of rear boundaries back onto the internal streets creating poor street scenes within the development. A number of these plots are also overlooked by the front elevations of the units behind.

13.3 The Urban Design Officer stated that the corner of the site at the junction of Hazlehurst Avenue and Canal Wharf represents an important location in terms of the local townscape. How the development addresses this corner will be important, although the layout currently shows a side wall and rear boundary onto these public frontages, resulting in a poorly addressed corner at a key position in the local street scene. The layout indicates a weak sense of arrival into the development. The first plot is positioned side onto Canal Wharf with the rear boundaries of 4 units and a bank of parking on the north side of the entrance road.

- 13.4 The Urban Design Officer stated that the majority of the proposed parking is shown on the front of each plot. This is likely to result in a car dominated environment along the streets within the development itself. Bin storage is shown at the front of each plot. This would appear unsightly within the street scene. Furthermore, a number of mid-terrace units are shown without independent rear access. This would necessitate garden waste being carried through habitable rooms, which would not be appropriate or acceptable. Several other mid-terraces are shown with ginnel passageways to afford rear access and these would provide an appropriate means of achieving access to back gardens if incorporated into those units currently without any such provision.
- 13.5 The Urban Design Officer stated that although garden sizes are not specified a number of plots appear to provide small gardens. Guidance contained within the Successful Places (2013) SPD seeks minimum garden sizes of 50sqm for a 2-bed dwelling and 70sqm for a 3-bed dwelling. Furthermore, the close proximity of some trees overhanging the gardens could impact on their amenity and place future pressure on the trees to be removed. The layout indicates both 2-storey and 2.5 storey dwellings. Although scale remains a reserved matter at this stage, buildings of this scale would generally be appropriate in principle.
- 13.6 The Urban Design Officer concluded that given the sustainable nature of the site, residential development in this location would be appropriate in principle. However, the submitted layout raises a number of urban design concerns and appears to have little regard to the sites immediate context, its constraints and opportunities. It is not considered that the layout shown would be compliant with guidance contained within the Council's SPD Successful Places (2013) or Policy CS18 (Design). As such, the submitted layout would not be an appropriate template on which to base any future proposals for its development. It is recommended that a site and context appraisal is undertaken to identify the key constraints and opportunities, the relationship of the site to its immediate surroundings and be used to identify and illustrate a series key design principles. These can then be enshrined within any outline planning permission and be

used to inform any subsequent detailed reserved matters proposals.

13.7 On the basis that the application is an outline with all matters reserved it is considered that the issue of the design of buildings and their layout will need to be resolved at a reserved matters stage however it is clear that the site is capable of accommodating the development designed appropriately around the existing central building and the local street scenes generally.

14.0 **Thornfield House**

14.1 As a result of consultation on the original application, a number of objections were raised in relation to the demolition of Thornfield House. Objections were received from Chesterfield Civic Society, the Victorian Society, SAVE Britain's Heritage and Chesterfield Canal Trust and the Councils Conservation Officer. A member of the public also objected to the application and made a request to Historic England for the building to be included on the statutory List of buildings of special architectural or historic interest. Historic England responded to this request, however they concluded that the property was not worthy of Listing. A request was also made by Chesterfield Civic Society for the Council to serve a Building Preservation Notice to protect Thornfield House, however this was considered at Planning Committee on 7/8/17 but it was agreed that a BPN was not justified. It was concluded that the building has merit and interest however it was not considered to be sufficient to warrant the building being included on the statutory listed for either architectural or historic interest reasons.

14.2 Chesterfield Civic Society submitted detailed historic information on Thornfield House which can be summarised as follows:

- The house was built in the 1830s by Joseph Gratton, a respected Chesterfield dignitary, who, amongst other things, was the agent to the Chesterfield Canal Company.

- In 1856 the house was described as a 'substantially erected mansion' with 'pleasure grounds and garden, an approach road (from Sheffield Road) and extensive and well-planned buildings.'
- Joseph Shipton, Chesterfield solicitor and co-founder of Shipton Hallewell & Co (still operating in Chesterfield today) owned the house by 1857. Shipton was also Chesterfield Mayor in 1859.
- John Kinder Swallow, local draper was the proprietor of the house by 1881.
- Joseph Edward Clayton local educationalist, Town Council Member and the son of Joseph Clayton (the founder of the tanning business which still operates on Clayton Street, Chesterfield) owned the house by 1891.
- By the 1890s the house was described as having an entrance hall, dining, drawing and breakfast rooms, with kitchen and other service rooms on the ground floor. Six bedrooms, a dressing room, bathroom and wc were on the first floor. Outside there were well stocked gardens, a conservatory, vinery, peach-house, fernery, and melon-, tomato- and cucumber- houses, as well as stabling and a carriage house. An entrance lodge and gardens house was off Sheffield Road and the estate extended to 7 ½ acres.
- By 1912 the house's gardens were opened to local invalids every Wednesday during the summer.
- By 1932 the estate was bought by Chesterfield Corporation and initially became the residence of the manager of the transport undertaking. Part of the land was used as the department's garage and workshops on Sheffield Road. The gardens were still opened for charitable events
- In 1935, part of the land was transferred to the housing committee of the then Chesterfield Corporation, to enable them to build houses for employees of the transport department.

- By the 1950s Thornfield House was divided into two separate dwellings
- By the 1960s the house was sold to Rolls Royce, which in turn later sold the property, presumably to the Chamber of Commerce.

14.3 Retention of the existing building provides a real opportunity to create a quality scheme whereby the building becomes the centre piece of the scheme adding to the local vernacular and opportunity for quality. It is considered that this should be supported.

15.0 **Affordable Housing**

15.1 A viability assessment in relation to the provision of affordable housing has been submitted with this application. The assessment states that it is not viable to provide any affordable housing as part of this scheme now that it includes retention of the existing building. Concerns were raised in relation to this assessment, due to a lack of evidence. It had also been highlighted that the council's current approach to affordable housing and its impact upon viability had been tested twice, once as part of examination of the Core Strategy (2013), and again in the Examination into the council's CIL charging schedule (now adopted and in place), both of which were supported by viability evidence.

15.2 On 5th September 2017 the agent dealing with this application stated that he had discussed the outstanding matters relating to the provision of affordable housing and the retention of Thornfield House further with his client. The viability appraisal previously submitted to the Council and updated on 3rd August confirmed that based on the scheme as submitted, the residual land value is comparative if not slightly below market value when benchmarked against transactional evidence. Based on an alternative scenario where the building is retained, there will be a marginal impact, if not slight uplift, in the residual land value, which we believe would ultimately be adjusted back to a level reflective of our current appraisal based on the risk associated with the retention and conversion of the existing building and the impact on the marketability of the site as a result of increased build constraints. On this basis, if the council are

willing to accept that the residual land value based on 0% affordable housing provision is reflective of market value, then he could confirm that his client is willing to include the retention of the building within the scheme, if this will support a favourable recommendation to members.

15.3 It is considered that the agent dealing with this application has offered a compromise by offering the retention of Thornfield House as part of this scheme. The original application proposed the demolition of Thornfield House and the provision of no affordable housing, and the revised application still proposes no affordable housing but with the retention of Thornfield House. It is understood that the cost of a scheme that includes the retention and conversion of Thornfield House is likely to be more expensive than a scheme whereby Thornfield House is demolished and new build units are constructed. Evidence has been requested in order to demonstrate this comparison, however the agent dealing with this application has not provided this. The preferred solution would be for the provision of affordable housing and the retention of Thornfield House, however the agent dealing with this application is not prepared to agree to this.

15.4 On balance it is considered that a scheme whereby Thornfield House would be retained is a positive outcome, supported by consultees and that the proposed retention of this significant building would provide exceptional circumstances whereby the provision of affordable housing could be set aside.

16.0 **Legal Agreement**

16.1 It is considered that a legal agreement is necessary to ensure that Thornfield House is retained as part of this scheme for residential development. It is also important to ensure that Thornfield House is protected from being demolished via a Prior Notification for Demolition. A scheme that involved the demolition of Thornfield House and the provision of no affordable housing would be considered wholly unacceptable. If the building were to be demolished then it would be important to ensure that affordable housing is sought. A CCG contribution of £11,412 and a percent for

public art scheme will also be required as a result of the legal agreement.

17.0 **REPRESENTATIONS**

17.1 As a result of neighbour notification, two letters of representation were received in relation to the application. (Chesterfield resident of unknown address, and ERIKS Uk opposite). Representations have also been received from Chesterfield Civic Society, the Victorian Society, SAVE Britain's Heritage and Chesterfield Canal Trust. Essentially these letters raised concerns with regards to the demolition of Thornfield House, however this no longer forms part of this application. The letter from ERIKS raised concerns with regards to the method of demolition, asbestos, noise and dust. In response to these concerns, Environmental Health were consulted and they raised no objections and suggested a series of conditions that should be imposed to ensure that any impact as a result of demolition would be minimised.

18.0 **HUMAN RIGHTS ACT 1998**

18.1 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

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

18.3 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.

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

19.1 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).

19.2 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. Pre application advice was provided in this case.

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

20.0 **CONCLUSION**

20.1 The amended proposals are considered to be appropriate in principle, and it is considered that a scheme for residential development can be devised with no significant adverse impact on the site, neighbouring properties or the surrounding area. The location of the proposed development site is sufficiently sustainable, is in a built up area and is adequately served by public transport and amenities. As such, the proposal accords with the requirements of policies CS1, CS2, CS3, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

20.2 Furthermore subject to the imposition of appropriate planning conditions, a CIL notice and a legal agreement, the proposals are considered to demonstrate wider compliance with policies CS4, CS7, CS8, CS9, CS10 and CS19 of the Core Strategy and the wider NPPF in respect of highways, coal mining legacy, environmental health, drainage, waste

water, infrastructure and trees. This application would be liable for payment of the Community Infrastructure Levy and a legal agreement is required to secure the retention of Thornfield House or the provision of affordable housing, a CCG contribution of £11,412 and the provision of public art.

21.0 **RECOMMENDATION**

- 21.1 That a Section 106 Agreement shall be negotiated relating to
- A percent for Art scheme.
 - Clauses to secure the retention of Thornfield House in the scheme on the basis of no affordable housing provision.
 - Contribution to CCG of £11,412

- 21.2 That the application be **GRANTED** subject to the following conditions:

Conditions

1. Approval of the details of the access, scale, layout, external appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted 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.
4. The reserved matters details shall include existing and proposed land levels and the proposed floor levels of the dwellings hereby approved together with sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwelling shall be constructed at the levels approved

under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

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 unless otherwise agreed by the Local Planning Authority in writing.
6. Prior to the commencement of development a detailed enhancement strategy that provides details of enhancement measures for roosting bats and nesting birds shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter. The scheme shall include provision within the new dwellings (as integral boxes) rather than in retained trees.
7. 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 and the agreed scheme shall be implemented as part of the development hereby agreed.
8. Prior to the commencement of any demolition a Demolition and Construction Management Plan shall be submitted to the Local Planning Authority for consideration and written approval. The Plan shall include measures to mitigate the impacts of the works on noise, dust and pollution.
9. Demolition and 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.

10. Prior to development commencing a suitable noise assessment, such as BS4142 shall be submitted. The noise assessment shall be submitted to the council and approved in writing. If the noise assessment determines that the properties should be include noise mitigation; these proposals should set out in a report format, submitted in writing to the council and approved prior to commencement of development.

11.
 - 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.
12. 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.
13. No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access 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.
14. Before any other operations are commenced, excluding construction of the temporary access referred to in Condition 13 above, 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.

15. Notwithstanding the submitted information a subsequent reserved matters or full application shall include design of the internal layout of the site in accordance with the guidance contained in the 6 C's Highways document.
16. No development shall take place until construction details of the residential estate road(s) and footway(s) (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.
17. The carriageway(s) of the proposed estate road(s) shall be constructed in accordance with Condition 16 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the 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 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 dwelling, unless otherwise agreed in writing by the Local Planning Authority.
18. Before any other operations are commenced a new vehicular junction shall be formed to Canal Wharf and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in both directions 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 greater than 1m in height (0.6m in the case of vegetation) above ground level.

19. Before any other operations are commenced (excluding creation of the new access, the subject of condition 18 above), any redundant vehicular and pedestrian accesses to Canal Wharf shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
20. No dwelling shall be occupied until space has been laid out within the site in accordance with details submitted and agreed under a reserved or full matters application for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.
21. 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.
22. 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. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.
23. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has

been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

24. 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.
25. A detailed tree protection plan shall be submitted conforming to BS 5837 'Trees in Relation to Design, demolition and construction - Recommendations' 2012 for the consideration of the Council and approval in writing. The scheme shall include Root Protection Areas for all trees to be retained on the site and a Method Statement in respect of development in the proximity to the trees to be retained. There shall be no structures built within the Root Protection Areas of the trees retained on the site. The development shall only proceed on the basis of the agreed details.
26. 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. 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.

27. 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.

Reasons for Conditions

1. The condition is imposed in accordance with article 3 (1) of The Town and Country Planning (General Development Procedure) Order 1995 (as amended).
2. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
3. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
4. In the interests of residential amenities.
5. 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.
6. 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 and to ensure that the roost and nest boxes cannot be tampered with and are secure in the long-term .
7. In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.
8. In the interests of residential amenities.
9. In the interests of residential amenities.

10. In the interests of residential amenities.
11. In the interests of preventing contamination of the site
12. To ensure that the development can be properly drained.
13. In the interests of highway safety.

14. In the interests of highway safety.
15. In the interests of highway safety.
16. In the interests of highway safety.
17. In the interests of highway safety.
18. In the interests of highway safety.
19. In the interests of highway safety.
20. In the interests of highway safety.

21. In the interests of highway safety.
22. In the interests of highway safety.
23. In the interests of highway safety.

24. In the interests of coal mining legacy and safety.

25. In the interests of the protection of trees.
26. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.

27. 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 paragraph 42 of the NPPF.

Notes

1. 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, e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
2. 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 against the householder.
3. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, 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.
4. 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 Economy, Transport and Communities at County Hall, Matlock (tel: 01629 580000 and ask for the Development Control Implementation Officer, Mr I Turkington on 01629 538578.

5. Highway surface water shall be disposed of via a positive, gravity fed system (i.e.; not pumped) discharging to an approved point of outfall (e.g.; 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.
6. Car parking provision should be made on the basis of two spaces per two/three bedroom property or three spaces per four/four plus bedroom property. Each parking bay 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.
7. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway, at least 6 weeks prior notification should be given to the Strategic Director Economy, Transport and Communities at County Hall, Matlock (tel: 01629 580000 and ask for the New Roads and Streetworks Section).
8. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.

9. If planning permission is granted for the development which is the subject of this notice, liability for a Community Infrastructure Levy (CIL) payment is likely to arise. Persons with an interest in the land are advised to consult the CIL guide on the Chesterfield Council Website (<http://www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx>) for information on the charge and any exemptions or relief, and to submit the relevant forms (available from www.planningportal.gov.uk/cil) to the Council before commencement to avoid additional interest or surcharges. If liable, a CIL Liability Notice will be sent detailing the charges, which will be registered as a local land charge against the relevant land.