

Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 8th January 2017

File No: CHE/17/00327/FUL
Plot No: 2/923

ITEM 1

ADDENDUM / UPDATE REPORT

ERECTION OF MOTOR RETAIL DEALERSHIP COMPRISING MOTOR VEHICLE SALES SHOWROOM, MOTOR VEHICLE MAINTENANCE WORKSHOP AND ANCILLARY ROOMS, DETACHED VALET BUILDING, FORMATION OF ACCESS ROADS AND ASSOCIATED HARD AND SOFT LANDSCAPING (REVISED PLANS RECEIVED 24/08/2017) AT VERTU LANDROVER, DISCOVERY WAY, WHITTINGTON MOOR, CHESTERFIELD, DERBYSHIRE, S41 9EG FOR VERTU MOTORS PLC

Local Plan: CS13 Economic Growth
Ward: Old Whittington

1.0 BACKGROUND

- 1.1 On 30th October 2017 Planning Committee resolved to approve a planning application (subject to S106 agreement) under application reference CHE/17/00327/FUL for the following development:
'Erection of motor retail dealership comprising motor vehicle sales showroom, motor vehicle maintenance workshop and ancillary rooms, detached valet building, formation of access roads and associated hard and soft landscaping (revised plans received 24/08/2017) at Vertu Landrover, Discovery Way, Whittington Moor, Chesterfield, Derbyshire, s41 9eg for Vertu Motors PLC'
- 1.2 The original report for this application is attached as Appendix A below.
- 1.3 Following the Planning Committee meeting negotiations have taken place to progress the S106 agreement; however on 4th December 2017 the applicant submitted a set of revised drawings which they have asked to be considered as part of the ongoing application process.
- 1.4 The purpose of this report is to update Members on the revised set of drawing submitted and highlight / consider the planning merits of the changes made to the scheme as follows:

- Proposed Site Plan – 2711(PL)05.Rev C
- Proposed GF and FF Plans – 2711(PL)06.Rev C
- Proposed Elevations – 2711(PL)07.Rev C

Proposals will increase in the footprint of the rear extension to the building which forms the proposed workshop. The depth of the extension increases from 17.0m to 29.0m and allows for the addition of 4 no. additional workshop bays and 2 no. diagnostic bays. The external finishes, fenestration and roof light remain as previously proposed.

2.0 **CONSIDERATIONS**

2.1 In the original officer report materials considerations in respect of Principle of Development, Design and Appearance Consideration (inc. Neighbouring Impact), Highways Issues, Flood Risk and Drainage, Land Condition and Contamination and Other Considerations (S106 Negotiations / Local Labour) were considered.

2.2 Having regard to the changes being proposed matters of Design and Appearance and Highway Issues should be reconsidered.

2.3 Design and Appearance

2.3.1 The increase in the depth of the proposed workshop extension will be visible from both south western and north eastern aspects; with an additional 12.0m expanse of external cladding being proposed.

2.3.2 Albeit that the greater depth of extension doesn't include any visual relief in the external elevation design with the inclusion of any windows, doors or changes to external finish, it is not considered that the visual appearance of the extension is unacceptable. The extension projects into the private service area of the business and therefore its public vantage is limited to views taken from Station Road and Discovery Way. T

2.3.3 Overall it is considered that the design and appearance of the proposed extensions and alterations to the building are acceptable, having regard to the context and provisions of policies CS2 and CS18 of the Core Strategy in relation to design and amenity. Furthermore in respect of neighbouring amenity it is considered

that the siting, scale and massing of the proposed store extensions are acceptable.

2.4 Highways Issues

- 2.4.1 The increased depth of the proposed workshop extension results in reconfiguration on the external car parking arrangements and the previously reported 273 no. on site car parking spaces are reduced to 250 no. spaces to accommodate the increased workshop footprint.
- 2.4.2 Notwithstanding this matters as previously reported the reconfiguration of the layout brings with it opportunities to improve the site layout and parking availability (inc. cycle parking and electric vehicle charging points).
- 2.4.3 Accordingly it is considered that the development proposals as detailed demonstrate adequate site access, service arrangements and on-site parking provision such that there are no adverse highway safety issues arising from the site redevelopment. The submission demonstrates compliance with policy CS20 of the Core Strategy and the wider provisions of the NPPF. Appropriate planning conditions will need to be imposed on any decision issued to ensure the parking provisions is provided and maintained as part of the development proposals and future site operation.

3.0 RECOMMENDATION

- 3.1 That the revisions to the scheme as detailed are accepted and the application is approved subject to the progression of the S106 agreement negotiations and the list of conditions as previously recommended (in Appendix A) be imposed with the exception of condition 2 which should be revised as follows:

02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.
- Proposed Site Plan – 2711(PL)05.Rev C
 - Proposed GF and FF Plans – 2711(PL)06.Rev C
 - Proposed Elevations – 2711(PL)07.Rev C
 - Indicative 3D Visualisation – 2711(PL)08
 - Proposed Valet – 2711(PL)09
 - Proposed Drainage - 119669/2003

- Proposed Site levels and Drainage H132-103 Rev C
- CCTV Plan – Q1758-R1
- Design and Access Statement (prepared by McLaren Murdoch & Hamilton Chartered Architects April 2017)
- Flood Risk Assessment (prepared by Fairhurst August 2017)
- Coal Mining Risk Assessment (prepared by Fairhurst August 2017)
- Due Diligence Report (prepared by Remedios March 2016)

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

APPENDIX A – PREVIOUS COMMITTEE REPORT

Case Officer: Sarah Kay File No: CHE/17/00327/FUL
Tel. No: (01246) 345786 Plot No: 2/923
Cttee Date: 30th October 2017

ERECTION OF MOTOR RETAIL DEALERSHIP COMPRISING MOTOR VEHICLE SALES SHOWROOM, MOTOR VEHICLE MAINTENANCE WORKSHOP AND ANCILLARY ROOMS, DETACHED VALET BUILDING, FORMATION OF ACCESS ROADS AND ASSOCIATED HARD AND SOFT LANDSCAPING (REVISED PLANS RECEIVED 24/08/2017) AT VERTU LANDROVER, DISCOVERY WAY, WHITTINGTON MOOR, CHESTERFIELD, DERBYSHIRE, S41 9EG FOR VERTU MOTORS PLC

Local Plan: CS13 Economic Growth
Ward: Old Whittington

1.0 **CONSULTATIONS**

DCC Highways	Comments received 12/07/2017 and 12/10/2017 – see report
Environmental Services	Comments received 07/09/2017 – see report
Design Services	Comments received 04/07/2017 and 27/09/2017 – see report
Economic Development	Comments received 03/07/2017 – see report
Lead Local Flood Authority	Comments received 26/06/2017 and 25/09/2017 – see report
Yorkshire Water Services	Comments received 13/07/2017 raising no objections
Derbyshire Constabulary	Comments received 10/07/2017 and 04/09/2017 – see report
Coal Authority	Comments received 10/07/2017 and 19/09/2017 – see report

Urban Design Officer

Comments received 22/08/2017
– see report

Site Notice / Neighbours

No letters of representation
received

2.0 **THE SITE**

- 2.1 The site is located on Station Road to the north of the Whittington Moor roundabout and mainline railway. It is situated within a commercial area comprising vehicle sales and mixed industrial uses. The area is generally characterised by modern industrial and showroom premises with associated yards, storage and parking.



- 2.2 The site frontage is occupied by vehicle parking and display areas with some landscaping. Immediately to the south is an associated Renault car dealership and the northern boundary is defined by a vegetated watercourse known as the Ridding Brook, separating the site from an area of industrial premises beyond. The rear of the site is mainly given over to vehicle storage, parking and separate valet building, which would be demolished as part of the proposed plans. The site boundaries to the north and west are largely vegetated.

- 2.3 The existing showroom building comprises a highly glazed display area with a reconstituted stone plinth and entrance detail, which creates an attractive frontage to the site. The gable includes a deep overhang supported by a steel column. This creates depth and strengthens the sense of arrival and legibility of the entrance. The rear part of the building has a more conventional industrial appearance and consists of mainly large format grey panelling.
- 2.4 The site is accessed from Discovery Way which is shared with the adjacent Motor Car Showroom / Dealership located south west of the application site.

3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/0584/0322 - Permission to reclaim glass from an existing tip with the aim of leaving the site suitable for industrial development at Station Road, Whittington Moor, Chesterfield.
Approved 07/12/1984.
- 3.2 CHE/1286/0755 - Permission for industrial estate on land adjacent to 103 Station Road, Old Whittington, Chesterfield.
Approved 20/03/1987.
- 3.3 CHE/1188/0850 and CHE/1188/1898 - Permission for the reclamation of glass tip removal of shallow coal and old workings and restoration for industry land adjacent to 103 Station Road, Whittington Moor.
Approved 06/06/1989.
- 3.4 CHE/1897/0414 - Outline application for construction of building for new land rover dealership.
Approved 16/10/1997.
- 3.5 CHE/0598/0268 - Secure compound area to rear of existing development.
Approved 18/06/1998.

4.0 **THE PROPOSAL**

- 4.1 The application, which is submitted in full, proposes reconfiguration of the existing Land Rover Motor Car Dealership involving comprehensive alterations to the existing central dealership building and front and rear extensions to the building to create a

fully reconfigured new car showroom, maintenance workshop and ancillary rooms.

4.2 The proposals also include the erection of a detached single storey valet building to the rear of the site, formation of a new access road layouts and associated hard and soft landscaping proposals.

4.3 Overall the works will increase the area of the dealership by 1375sqm of new floor space.

4.4 The application submission is accompanied by the following plans / supporting documents:

- Location Plan – 2711(PL)01
- Existing Site Plan - 2711(PL)02.RevB
- Existing Floor Plans – 2711(PL)03
- Existing Elevations - 2711(PL)04
- Proposed Site Plan - 2711(PL)05.RevB
- Proposed GF and FF Plans – 2711(PL)06.RevB
- Proposed Elevations – 2711(PL)07.RevB
- Indicative 3D Visualisation – 2711(PL)08
- Proposed Valet – 2711(PL)09
- ~~Proposed Site Plan Phase 2 - 2711(PL)10~~
- Proposed Drainage - 119669/2003
- Proposed Site levels and Drainage H132-103 Rev C
- CCTV Plan – Q1758-R1
- Design and Access Statement (prepared by McLaren Murdoch & Hamilton Chartered Architects April 2017)
- Flood Risk Assessment (prepared by Fairhurst August 2017)
- Coal Mining Risk Assessment (prepared by Fairhurst August 2017)
- Due Diligence Report (prepared by Remedios March 2016)

4.5 The application was revised by the submission of revised plans and supporting documents on the 24/08/2017 which are incorporated into the list above. *It is noted that there is a Phase 2 development shown only on the proposed site plan, with no further floor plans or elevations reflecting this second phase. The application therefore does not consider this element of the scheme.*

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site is situated in the built settlement of Old Whittington ward in an area which is predominantly commercial in nature. Having regard to the nature of the application proposals policies CS1, CS2, CS3, CS6, CS7, CS8, CS9, CS13, CS16, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.

5.2 **Principle of Development**

5.2.1 The site itself is identified in the adopted Local Plan as an area for Economic Growth under the provisions of policy CS13 of the Core Strategy. The proposed development is broadly in accordance with policy CS13 which supports proposals for new employment development where they accord with the overall spatial strategy, including B2 uses within established business areas. The proposed use is suitable for the location, well located with good transport connections, road frontage and would be unlikely to cause conflict with any existing uses. It is unlikely that the current proposal would generate same level of jobs as most alternative B uses, however this must be off-set against the tests set out in policy CS2. The proposed development would meet the criteria a) to g) set out in CS2.

5.2.2 The site is reasonably well located for walking, cycling and proximity to Whittington Moor District Centre, in accordance with policy CS1 – Spatial Strategy, and being located on a main road staff and visitors to the site have immediate access to a major bus route.

5.2.3 Car Showroom uses are covered by policy CS16 of the Core Strategy and this policy allows for showrooms to be permitted in out of centre locations if they would be unsuitable for a town centre. It is accepted that this site is already an existing car showroom and therefore this component of the application is also acceptable.

5.3 **Design and Appearance Considerations (inc. Neighbouring Impact)**

5.3.1 The application site sits in a predominantly commercial area, where adjoining neighbouring properties are made up of other commercial business premises. The proposed design, scale and

appearance of the development proposals present an appropriate relationship to the neighbouring properties / premises.

- 5.3.2 The angular forms of the new additions are intended to create a clean modern look to the building that reflects the premium quantities of the franchise brand. The design philosophy is to reduce the extent of glazing to prevent fluctuations in temperature associated with highly glazed facades. The new cladding a colour scheme reflects the clients need to adhere to corporate identity requirements.
- 5.3.3 The proposed changes would have a considerable impact on the form and interest of the existing building, its principle facades and how it relates to the site entrance. The resulting design seeks a more generic, angular format and enclosed appearance to the showroom. Notwithstanding this it is considered that the design proposed represents a typical Motor Car Showroom appearance and the cladding components being proposed are similar to those seen in the immediate surrounding area.
- 5.3.4 The site entrance would be repositioned entering the site slightly further back than the current location. The repositioned site entrance is aligned at the point where the proposed new cladding meets the existing building (also clad in silver panels) and where the escape door and 'handover' bay entrance are positioned. The main elevation facing Station Road would be closer the street than at present and contains a large display window, which relates positively to the street and incorporates the main building entrance. Internally, the vehicle display area is a double height space overlooked by a mezzanine floor.
- 5.3.5 Having regard to the overall design and appearance of the proposals both the Urban Design Officer (UDO) and the Crime Prevention Design Advisor (CPDA) have provided formal comments on the application submission and both have raised some concerns about component parts of the overall scheme.
- 5.3.6 The UDO commented that the corporate branding and external alterations proposed to the showroom building appeared a retrograde step to the design and appearance of the current showroom building, and overall finish and fenestration details of the building appeared heavily dominated by large expanses of cladding which he regarded as a weakness of the overall scheme.

While it is recognised that the materials, form and reduced extent of glazing are driven by the corporate branding and identity requirements, the proposed new building form has resulted in an arguably less interesting built form and appearance with a less well resolved elevation in relation to Discovery Way than the existing showroom building.

5.3.7 The CPDA objected to the application as proposed, on the grounds that the proposed removal of boundary fencing would be detrimental to site security. The CPDA noted that the application contained details of additional CCTV coverage for the application site and neighbouring dealership, however, in his opinion this provision is not acceptable as a replacement for an adequately secure boundary, and is unlikely to be of any deterrence to intrusion into the site to commit acts of damage and minor theft. He commented that the boundary fence was erected on site because of rising levels of crime against vehicle stock and buildings and to leave an open boundary in context of this site will in my view lead to avoidable crimes occurring, generating avoidable demands on our resources in responding to, recording and investigating reported offences.

5.3.8 Firstly having regard to the comments of the UDO it is considered, given that the site is rectangular in shape, public vantage points of the proposed building are very limited to the Station Road frontage as seen in the images below:





5.3.9 Whilst it is accepted that it would be more desirable for the proposed building elevations to reflect balanced fenestration patterns, with more glazing, the limitations of the site, the need for the building to be retained, reconfigured and extended (rather than being entirely rebuilt) mean that there are compromises which have to be made in the external appearance. Given the character and appearance of the surrounding area and the form and nature of the other commercial buildings prevalent in the streetscene it is certainly unlikely that the LPA could sustain a reason to refuse planning permission for the works being sought in the grounds of the design of the building.

5.3.10 Secondly having regard to the outstanding objection from the CPDA, it is noted that the applicant does not wish to amend their application proposals. It is their desire to open up the site frontage to the public by the installation of 1.2m high steel bollards in place of the existing metal railings (seen in the street view images above). The CPDA comments that the railings in situ to Station Road were erected to address crime issues experienced at the site in the past. Notwithstanding this however there is no planning requirement to retain the fencing in situ and it could therefore be taken down by the current operator without permission. Furthermore the bollards proposed to replace the fence only need permission because they are 1.2m high. One 1m in height or below could be erected under PD rights without involvement in the planning process.

- 5.3.11 Whilst the comments of the CPDA are noted they do not stand alone as a reason to refuse planning permission, given the fall back position highlighted above. It is strongly recommended that the applicant reconsider the expert advice which has been provided by the CPDA, however planning permission cannot be justifiably refused on this basis alone. Particularly as the LPA have recently agreed to the construction of a new Motor Car Showroom on Spire Walk Business Park (Perrys Ford) where a similar open boundary to the public footway (hooped boundary divided) has been accepted without objection by the CPDA.
- 5.3.12 Overall it is considered that the design and appearance of the proposed extensions and alterations to the building are acceptable, having regard to the context and provisions of policies CS2 and CS18 of the Core Strategy in relation to design and amenity. Furthermore in respect of neighbouring amenity it is considered that the siting, scale and massing of the proposed store extensions are acceptable.

5.4 **Highways Issues**

- 5.4.1 The application as submitted and revised was reviewed the Local Highways Authority who responded on both occasions raising concerns about the loss of a significant number of car parking spaces as a result of the development proposals. The LHA sought further explanation from the Applicant to substantiate how they considered the loss of parking provision at the site could be justified and not have a detrimental effect on the public highway.
- 5.4.2 Having regard to the comments of the LHA detailed above it is first and foremost necessary to consider the application site as it stands and clearly (as it can be seen from the aerial photograph included in section 2.1 above) the site has a substantial amount of hard surfaced areas of car parking.
- 5.4.3 Car parking standards for Motor Car Dealerships (which are a Sui Generis use class) are not set in the Core Strategy or predating Local Plan, as they are required to be individually assessed.
- 5.4.4 In this case the applicant has indicated that they currently have 26 no. customer parking spaces and 12 no. staff / visitor car parking spaces available; as well as at least 40 no. separate servicing spaces, 35 no. display spaces and approx. 150 no. compound

spaces. As a result of the application proposals the applicant has reconfigured the site layout and their latest drawing shows on site parking provision for up to 273 no. vehicles therefore it is not considered that the LHA have any justification for the comments they have made on the application submission. Whilst the scheme will see part of the site built upon, the reconfiguration of the layout brings with it opportunities to improve the site layout and parking availability (inc. cycle parking and electric vehicle charging points).

5.4.5 Accordingly it is considered that the development proposals as detailed demonstrate adequate site access, service arrangements and on-site parking provision such that there are no adverse highway safety issues arising from the site redevelopment. The submission demonstrates compliance with policy CS20 of the Core Strategy and the wider provisions of the NPPF. Appropriate planning conditions will need to be imposed on any decision issued to ensure the parking provisions is provided and maintained as part of the development proposals and future site operation.

5.5 **Flood Risk and Drainage**

5.5.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7), it is noted that the application site is affected by flood risk zone 3 and therefore the site has a high probability of fluvial flooding and is also adversely affected by surface water flooding. In respect of drainage, the application details that the development is to be connected to existing mains drain for foul and surface water will be directed to a sustainable drainage solution.

5.5.2 Having regard to the fact the application site was affected by flood risk zone 3, initial consultee responses from the **Lead Local Flood Authority** (LLFA) and the **Design Services** (DS) team advised that the application required a Flood Risk Assessment (FRA) to be undertaken.

5.5.3 An FRA was submitted on 24/08/2017 which was reviewed by both the LLFA and DS team as follows:

***Design Services** – We have reviewed the FRA submitted. It is noted that the site is located with Flood Zone 3 on the Environment Agency maps and may therefore be at risk of flooding. The type of commercial development proposed may be suitable for development within this area classified as less vulnerable under*

the NPPF guidance. The floor levels of the proposed buildings should be set no lower than the existing and consideration should be given to flood resilient construction.

It is noted that the applicant proposes to utilise the existing drainage system and with the same impermeable area will discharge the same rate of surface water. We would have preferred to have seen a reduction in runoff however if the existing situation is not exacerbated we would have no objection.

LLFA - *Based on the nature and scale of the development, the LLFA do not have any formal comments to provide for this application.*

The proposals detail that the existing surface water drainage system will be utilised with minor alterations for the revised layout and that the impermeable area will not change.

As such the LLFA do not feel there is any need for applying a detailed drainage design condition. However, The LLFA would like to highlight the benefits of utilising Sustainable Drainage and water re-use and advise that options to incorporate such features are taken where possible.

5.5.4 Given the comments received above and the intended drainage connections detailed the proposals are concluded to meet with the requirements of Policy CS7 of the Core Strategy and wider NPPF.

5.6 **Land Condition / Contamination**

5.6.1 The site the subject of the application comprises of hard surfaced / previously developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.

5.6.2 In respect of land condition the **Coal Authority (CA)** were consulted on the application submission and initially objected to the application due to the application being absent of a Coal Mining Risk Assessment (CMRA). On the 24/08/2017 a CMRA was submitted and the CA subsequently provided the following response:

'The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report (22 August 2017, prepared by Fairhurst); 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 areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

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

- * The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;*
- * The undertaking of that scheme of intrusive site investigations;*
- * The submission of a report of findings arising from the intrusive site investigations, including the results of any gas monitoring undertaken;*

- * The submission of a scheme of remedial works for the shallow coal workings for approval;*
- * The implementation of those remedial works.*

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report (22 August 2017, prepared by Fairhurst) are sufficient for the purposes of the planning system and meet the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of a condition or conditions to secure the above.'

5.6.3

In addition to the comments of the CA, the Council's **Environmental Health Officer (EHO)** also provided the following response:

I have inspected the above application and have no adverse comments to make. However, the site was used as a refuse tip,

and the existing redevelopment predates the current contaminated land regime. As such, I ask that the standard contaminated land condition be added to any approval granted.

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

5.7 **Other Considerations**

5.7.1 **S106 Contributions**

The application details the creation of 1375sqm of new floorspace, categorising the development proposals as a major application.

Under the provisions of policy CS18 major development proposals costing in excess of £1m should contribute towards the % for art initiative with a contribution of up to 1% of the overall development costs being secured by S106 agreement.

In this regard the applicant has confirmed that the development costs of the scheme will be approximately £3.25m and therefore it is concluded that a S106 agreement is necessary to secure the necessary % for art contribution.

5.7.2 **Local Labour**

The development proposals are a major application and therefore the Council's Economic Development team have requested that a Local Labour condition be imposed on any decision given, to accord with the provisions of policy CS13 of the Core Strategy. This is appropriate and consistent with development plan policy given the scale and nature of development.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 23/06/2017; by advertisement placed in the local press on 29/06/2017; and by neighbour notification letters sent on 22/06/2017.

6.2 There have been no letters of representation received as a result of the applications publicity.

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

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

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the

development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

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

9.0 **CONCLUDED**

9.1 The proposed alterations to the existing building and car parking layout; and the proposed extensions to the existing building are all considered to be appropriately sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS4, CS15 and CS16 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.

9.2 Planning conditions have been recommended to address any outstanding matters and ensure compliance with policies CS7, CS8, CS9, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and therefore the application proposals are considered acceptable.

10.0 **RECOMMENDATION**

10.1 That a S106 agreement be negotiated to cover:
▪ Percent for Art (up to 1% of development costs);

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

Time Limit etc

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

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

02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.
- Proposed Site Plan - 2711(PL)05.RevB
- Proposed GF and FF Plans – 2711(PL)06.RevB

- Proposed Elevations – 2711(PL)07.RevB
- Indicative 3D Visualisation – 2711(PL)08
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- Coal Mining Risk Assessment (prepared by Fairhurst August 2017)
- Due Diligence Report (prepared by Remedios March 2016)

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

Site Investigations

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

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

Land Condition / Contamination

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

required, have received the written approval of the Local Planning Authority.

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

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

Highways

05. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- parking of vehicles of site operatives and visitors
- routes for construction traffic
- hours of operation
- method of prevention of debris being carried onto highway
- pedestrian and cyclist protection
- proposed temporary traffic restrictions
- arrangements for turning vehicles

Reason – In the interests of highway safety.

06. Prior to the development, the subject of the application, being brought into use, the vehicular and pedestrian accesses shall be created/ modified in accordance with the approved designs all areas 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) relative to adjoining nearside carriageway channel level.

Reason – In the interests of highway safety.

07. No part of the development shall be taken into use until space has been provided within the site curtilage for the parking/ loading and unloading/ manoeuvring of staff/ customers/ service and delivery vehicles (including secure/ covered cycle parking), located, designed, laid out and constructed all in accordance with a scheme first submitted to and agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

Reason – In the interests of highway safety.

08. The development hereby permitted shall not be occupied until the cycle parking facilities have been fully implemented and made available for use prior to the occupation of the

development hereby permitted and shall thereafter be retained for use at all times.

Reason – In the interests of highway safety.

Landscaping

09. 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.

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

Other

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

Reason - In the interests of residential amenities.

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

Reason - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for

use on the particular development and in the particular locality.

12. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

Reason - In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.

Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.