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File No: CHE/17/00830/FUL  
Plot No: 2/319

## ITEM 2

### CHANGE OF USE FROM PUBLIC HOUSE (CLASS A4) TO RETAIL USE (CLASS A1), ALTERATIONS TO SITE INCLUDING DEMOLITION OF EXTENSION, CONSTRUCTION OF NEW EXTENSION, ALTERATIONS TO ENTRANCE AND SHOPFRONT, SERVICE YARD AND NEW PLANT AREA AND ASSOCIATED PARKING SPACES (REVISED PLANS RECEIVED 11/01/2018) AT CRISPIN INN, ASHGATE ROAD, CHESTERFIELD, S40 4AW FOR PEGASUS PLANNING GROUP LTD

Local Plan: Unallocated  
Ward: West

#### 1.0 CONSULTATIONS

<b>DCC Highways</b>	Comments received 08/01/2018 – see report
<b>Planning Policy</b>	Comments received 29/12/2017 and 10/01/2018 – see report
<b>Coal Authority</b>	Comments received 19/12/2017 and 10/01/2018 – see report
<b>Design Services</b>	Comments received 08/12/2017 – see report
<b>Urban Design Officer</b>	Comments received 0/12/2017 – see report
<b>Chesterfield Cycle Campaign</b>	Comments received 05/12/2017 – see report
<b>Environmental Health Officer</b>	Comments received 13/12/2017 and 03/01/2018 – see report
<b>Yorkshire Water Services</b>	No comments received
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	14 letters of representation received

#### 2.0 THE SITE

2.1 The application site is a two storey red brick public house building which has been used historically as a public house, known as The Crispin Inn. The public house has been closed since May 2015.

The building has single storey, flat roof rear extensions and a conservatory to the western site. The public house areas comprise the ground floor, with ancillary staff accommodation contained on the first floor level.

- 2.2 The site is 0.16ha and consists of a car park to the north in front of the site providing 16 no. existing car parking spaces. The car park has two separate crossovers providing vehicular access from the site onto Ashgate Road. The public house building itself is detached, with a landscaped beer garden and play area to the rear (south) of the pub.
- 2.3 Boundary treatments to the site comprise a brick wall to the west, a stone wall with a fence on top to the east, and a mix of fence and vegetation to the rear. To the north, the site boundary is contiguous with the footpath on the highway, delineated in the centre of the site with some concrete bollards, interspersed with planters, and without any boundary towards the east and west of this elevation.
- 2.4 Ashgate Road runs to the west to east adjacent to the site, and leads to Chesterfield Town Centre approximately 1 mile to the east. There is a bus stop on the public highway in front of the site, with a further bus stop on the northern side of Ashgate Road to the north east of the property.

### 3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/13/00253/FUL - Alterations to the front and side elevations and installation of front access ramp.  
Planning committee refused 06/08/2013.  
APP/A1015/A/13/2205691 - Appeal allowed 24/10/2014.
- 3.2 CHE/13/00252/FUL - Demolition of the existing conservatory, the erection of an extension and side access ramps, access alterations and parking and the installation of plant equipment and associated screening to the service yard and additional hardstanding to the rear - re-submission of CHE/12/00785/FUL, CHE/12/00786/FUL and CHE/12/00788/FUL.  
Planning committee refused 06/08/2013.  
APP/A1015/A/13/2205692 - Appeal allowed 24/10/2014.

- 3.3 CHE/12/00790/ADV - Erection of gantry sign and car park signage.  
Advertisement consent granted 13/03/2013.
- CHE/12/00789/ADV - Installation of fascia signage.  
Advertisement consent granted 13/03/2013.
- 3.4 CHE/12/00788/FUL - Installation of plant equipment and associated screening to service yard  
Planning committee refused 13/03/2013.  
APP/A1015/A/13/2197209 – Appeal allowed 24/10/2014.
- 3.5 CHE/12/00787/FUL - Installation of an ATM and bollards.  
Planning committee refused 13/03/2013.  
APP/A1015/A/13/2197208 – Appeal allowed 24/10/2014.
- 3.6 CHE/12/00786/FUL - Alterations to the front and side elevations and installation of front and side access ramps.  
Planning committee refused 13/03/2013.  
APP/A1015/A/13/2197205 – Appeal allowed 24/10/2014.
- 3.7 CHE/12/00785/FUL - Demolition of existing conservatory and erection of an extension and side access ramp, access alterations and parking.  
Planning committee refused 13/03/2013.  
APP/A1015/A/13/2197213 – Appeal allowed 24/10/2014.
- 3.8 CHE/1199/0618 - Construction of ramp and alterations to entrance to assist disabled access.  
Conditional permission granted 06/12/1999.
- 3.9 CHE/1087/0618 - Permission for extension to form family room.  
Conditional permission granted 07/03/1988.

#### 4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks full planning permission for the proposed change of use of the former public house (Class A3) known locally at The Crispin to Class A1 Retail inc. proposals to demolish the rear extensions and conservatory whilst retaining the outside shell and roof structure of the original building and extending to the rear to create a convenience food retail unit.

- 4.2 The access/egress will largely remain unchanged however the car park will be reconfigured with customer car parking spaces to the western side of the property, stretching to the rear. These will include 16 no. parking spaces, including 2 no. accessible spaces nearest to the shop entrance. Additionally, 4 no. cycle hoops will be provided to the right hand side of the entrance.
- 4.3 A delivery and loading area will be included to the east of the site, which will enable the site to be appropriately serviced. The site incorporates sufficient space to enable delivery vehicles to enter and leave in a forward gear and for servicing to take place off the highway. There is sufficient room for an artic HGV to do this.
- 4.4 The proposals include an area for plant relating to heating and cooling of the premises and the chiller units. This is intended to be to the south of the site, to the rear of the store. This plant area will be contained within close-boarded plant enclosures and noise levels will be compliant with required levels to ensure no harm to neighbouring occupiers.
- 4.5 The new rear extension will be constructed from a steel frame with a mansard roof. The external finish will be brickwork to match the existing to eaves level, with a pitched, slanted mansard roof over.
- 4.6 The front (northern) elevation will be modified to include the insertion of a new, centrally positioned, glass shopfront entrance to enhance inclusive access into the site. The ramp currently provided on the front elevation will be removed and a new ramp and steps will be constructed on the front elevation to allow inclusive access to the building.
- 4.7 On the eastern elevation, the new extension will also have a separate goods in entrance with a ramped access.
- 4.8 To the south elevation, as well as the plant area detailed above, two 900mm diameter satellite dishes will be erected to provide a communications link for the store.
- 4.9 The western elevation will be extended following the removal of the side conservatory. The existing ramped entrance on this elevation will be removed.

- 4.10 The proposed opening hours of the site are from 06:00 – 23:00 and controls on delivery times between 7:00 – 22:00 (excepting newspaper and magazine deliveries).
- 4.11 The application submission is accompanied by the following plans / documents:  
Location Plan 3231 PL\_001 Rev G  
Existing Site Layout 3231 PL\_002 Rev B  
Proposed Site Layout 3231 PL\_003 Rev G  
Existing Floor Plans 3231 PL\_004 Rev B  
Proposed GF Plan 3231 PL\_005 Rev J  
Proposed FF Plan 3231 PL\_009  
Existing Elevations 3231 PL\_006  
Proposed Elevations 3231 PL\_007 Rev E  
Proposed Block Plan 3231 PL\_008 Rev F  
Design & Access Statement prepared by AMCA Architects  
Planning Statement prepared by Pegasus Group  
Sequential Sites Assessment prepared by Pegasus Group  
Transport Statement prepared by Croft Transport Solutions  
Ground Conditions Report (inc. Coal Mining Risk Assessment) prepared by Soiltechnics  
Noise Impact Assessment prepared by Hann Tucker  
Arboricultural Statement prepared by Crown Consultants  
Statement of Community Consultation prepared by Instinctif Partners  
Viability Statement prepared by Fleurets  
Marketing Report prepared by Wright Silverwood

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

- 5.1.1 The site is situated in the built settlement of West ward in an area predominantly residential in nature. Having regard to the nature of the application policies CS1, CS2, CS3, CS4, CS8, CS9, CS15, CS16, CS17, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework (NPPF) apply.

### 5.2 **Principle of Development**

- 5.2.1 The application is for conversion of an existing pub to retail use. The NPPF subjects retail to a sequential approach to the location

of development and this is the key consideration in determining whether the principle of the change of use is appropriate. The site of the proposed use would be considered 'out of centre'. The key policies in this case being CS15 and CS16 of the Core Strategy. Policy CS16 in particular sets out a threshold for 'small shops 'designed to serve local day to day needs' that exempts them from the Sequential Assessment.

5.2.2 The development would also result in the loss of 'social infrastructure' and policy CS17 therefore also applies.

#### Loss of Social Infrastructure

5.2.3 The Local Plan Core Strategy identified public houses as 'Social Infrastructure'; essential to the quality of life of the borough's residents. Before considering alternative uses of the building, the loss of the use must be considered. Policy CS17 sets out two tests:

- a) There is an equivalent facility available in the locality or an equally accessible one is made available prior to the commencement of redevelopment to serve the same need; or
- b) It can be demonstrated through a viability assessment that the current use is economically unviable and all reasonable efforts have been made to let or sell the unit for the current use over a 12 month period.

5.2.4 The applicant has provided information on equivalent facilities (at 8.9 of the Planning Statement). It is clear that criteria (a) of the policy can be met. The Planning Statement also contains a lengthy viability appraisal but it is not necessary to consider this in further detail if the first criteria can be met.

#### Retail and Sequential Assessment (policies CS15 and CS16)

5.2.5 It is noted that the applicant claims that the threshold set out in CS16 is not compliant with NPPF however in response it is commented that the Core Strategy was adopted in 2013, post publication of the NPPF in 2012. As one of the tests of soundness set out in the NPPF is that plans be "consistent with national policy"<sup>1</sup> it can be safely assumed that the policy is, in fact, fully compliant with the NPPF and full weight can be given to it.

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<sup>1</sup> NPPF para 182

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

5.2.6 The draft Local Plan published in January 2017 proposed an amendment to this policy changing the proposed floorspace limit to 280 sqm net retail space (to bring it in line with Sunday Trading Act 1994). Both the existing floorspace of the Crispin Inn and the proposed net retail floorspace of the proposed change of use would exceed the existing threshold but be below the proposed new threshold. The weight that can be given to the emerging policy is therefore important in determining whether a sequential assessment is necessary.

5.2.7 The **Planning Policy** team initially commented on the sequential test submitted as follows:

*The scope of the assessment and data sources used was not the subject of pre-application discussion. The assessment uses a catchment of just 500m radius, which is considered too small (no evidence is provided to justify such a small catchment, for example data from similar stores). The sequential assessment prepared to support the appeal over application CHE/13/00252/FUL used a catchment of 1000m and Manual for Streets 2 refers to a typical walking distance being 800m; a ten minute walk (and this is referred to in the applicant's assessment at para 1.9 when identifying the area the store may serve). On the basis of a 500m catchment the applicant has identified 4 premises which are not considered suitable. I have no argument regarding the conclusions reached on the identified premises but, on the basis of the limited catchment used, cannot agree that the sequential assessment has been passed.*

*It is therefore important to consider the weight that should be given to the emerging policy CS16 and the associated 280 sqm threshold. Typically little weight would be given to emerging policies at this stage in the plan preparation process. However in this case there are a number of mitigating factors:*

- 1) No objections were received to the changed threshold and one supporting comment received (from Derbyshire County Council) to the use of thresholds.*
- 2) The new threshold proposed is to bring the policy into line with other national legislation that controls the operation of retailing and allows 7 day/week retailing from small shops in line with the objective of the policy of allowing uses that 'serve local day-to-day needs'.*
- 3) The application is predominantly for the change of use of an existing building and, as this already exceeds the threshold, it*

*would be unrealistic to expect the floorspace of the existing building to be reduced.*

- 4) The change of use allows for the retention of the existing building*
- 5) The degree to which the proposed floorspace exceeds the adopted 200 sqm threshold*

*Policy CS2 also allows provision to take into consideration whether a proposed use needs to be in a specific location to serve a local catchment or need, and the proposed use would clearly serve a local purpose. Furthermore it is unlikely that a scheme of the proposed size would have a demonstrably greater harm than one that met the 200sqm threshold*

*For these reasons in this case the Council would consider it appropriate to give greater weight to emerging policy and CS2 than be the case in other circumstances (eg. an entirely new build unit) and consider that the proposed change of use is considered acceptable in principal, subject to the application of a condition limiting the net sales area to that described in the application (234sqm net sales area).*

5.2.8 Notwithstanding the comments made above, the applicant provided an updated narrative on their sequential test methodology as follows:

*I note that the Planning Policy comments read the sequential assessment as being drawn tightly around the site as 500m. It is noted that within my assessment at paras 2.5 and 2.6, I discuss the site's walking catchment area which is 500m. However, this is a reference to the site's intended catchment area and does not reflect the scope of the area which has been sequentially assessed.*

*At paragraphs 2.25-2.27 of my assessment I go on to discuss the scope of the sequential test undertaken. This includes the closest District Centre (Chatsworth Road) as well as the closest Local Centre (Loundsley Green). Chesterfield Town Centre is excluded from the scope of the Sequential Test, as I state at paragraph 2.26, as it is more than 1000m away from the site. You will see that at Appendix 3 of the Sequential Assessment, the 500m walking catchment is drawn around the site, which only encompasses Loundsley Green within this catchment. However, Chatsworth Road*



*is also shown, which is between 500m and 1km from the site. The assessment is made on both of these centres, and does not focus only on the 500m catchment.*

*These are the only two centres identified within the 1000m catchment that your colleagues refers to as acceptable. The scope of my sequential assessment considers properties in sequentially preferable location (in centre or edge of centre) within Loundsley Green and Chatsworth Road, which are up to 1000m from the site. I note that your colleague confirms he has “no argument regarding the conclusions reached” on the premises assessed, but does not feel that the assessment has been passed based on the limited catchment, which he considers is only 500m. However, as explained, these premises are actually up to 1000m from the site.*

*I'd be grateful if this could be revisited, given that the actual sequential assessment submitted has assessed designated centres up to 1000m from the site.*

5.2.9 On the basis of the comments made above, it is acknowledged that the sequential test submitted does provide an assessment of an appropriate search area. Nevertheless the conclusions reached by the Planning Policy team supported the principle of development and this conclusion is not changed by the clarification provided.

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

5.3.1 The submission proposes a large extension to the rear of the existing building in order to provide a regular trading area. Internal walls would be removed to form a single large internal space. The proposed layout is very similar to that previously found to be acceptable under the previous appeals. As such, there is no objection to the overall form of the extension and general layout of the proposals.

5.3.2 The size, appearance, scale and mass of the rear extension to the building are very similar to that allowed under the previous appeals. As such, there is no objection to the scale and form of the additions to the building.

5.3.3 It is considered that details of hard and soft landscaping should be provided together with boundary treatments.

5.3.4 The proposed extension is a large single storey addition to the rear of the building and comprises plain brick elevations under a dummy pitched roof, with a flat roof behind. A very similar arrangement was allowed at appeal. Whilst the depth of the extension appears disproportionately deep relative to the host building, the position of the extension is such that the overall impact would not be fully appreciated from the streetscene. Details of all external materials should be required by condition to ensure these harmonise with the host building.

5.3.5 Overall it is considered that the siting, scale and design of the proposed alterations and extension to the building are considered to be acceptable having regard to the provisions of policies CS2 and CS18 of the Core Strategy. The separation and scale of the alterations and extension relative to the adjoining and adjacent boundary sharing neighbours are such that the development proposals are not considered to impose any adverse amenity issues to these neighbours. Matters in respect of noise and impact of the operation of the service yard are considered in section 5.6 below.

#### 5.4 **Highways Issues**

5.4.1 The application submission has been reviewed that the **Local Highways Authority** (LHA) who has provided the following response:

*The site is located to the south side of Ashgate Road, a classified road subject to a 30mph speed limit, in a predominantly residential area to the south of Chesterfield town centre. The site is currently vacant having a previous use as a Public House.*

*The site was the subject of a number of applications in 2013-14, concerning the change of use of the public house to a 'Tesco Express' convenience store, with consent ultimately being granted following a public enquiry.*

*This proposal seeks a similar change of use from a public house (A4) to a 'Co-Op' Retail Store (A1). There is some inconsistency with regard to the floor area proposed. However the net sales area is understood to be 234m<sup>2</sup>. This compares with a net sales area of 233m<sup>2</sup> for the Tesco convenience store application mentioned above.*

*Accordingly, it is considered that the principle of the change of use has already been established, with this application seeking a similar size store to that approved at appeal.*

*Within the site a total of 18 parking spaces are proposed, including 2 disabled spaces, with sufficient manoeuvring space also being provided. This level of parking, coupled with the anticipated length of visit due to the nature of the proposed store, the sites location close to residential properties, cycle parking and the adjacent bus stops, result in the level of parking proposed to be considered adequate, with the site having the potential to encourage sustainable means of travel. It is also noted that this application will provide several additional parking spaces over the level provided to the previous application on the site.*

*To encourage the use of non-car modes of transport, should consent be granted the Highway Authority would recommend the applicant improve the existing bus stop facilities adjacent the site, by providing bus demarcation markings and a raised bus boarder.*

*The existing accesses to Ashgate Road are proposed to be widened as part of the above proposal, such improvements are considered acceptable, with visibility splays measuring 2.4m x 47m being achievable in both directions. The Highway Authority would however recommend that a 'no entry sign' or similar to erected adjacent the eastern access, within the site, informing customers not to use this access.*

*Concerning deliveries to site, whilst the proposed access and egress is not ideal for delivery vehicles, subject to a Service Management Plan as drafted in Appendix 4, being suitably conditioned as part of any consent, the Highway Authority does not consider that a refusal would be sustainable at appeal.*

*Accordingly, in view of the above comments, the Highway Authority would not wish to raise objections to the above proposal, subject to the following conditions being included in any consent in the interests of highway safety.*

- 1. Before any other operations are commenced, the existing access to Ashgate Road shall be modified in accordance with the application drawings, laid out, constructed and provided with 2.4m*

*x 47m visibility splays in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.*

*2. The access, the subject of condition 1 above, shall not be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on both sides of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.*

*3. Before the premises, the subject of the application, shall not be taken into use until appropriate signage has been erected within the site so as to inform customers that the eastern access to Ashgate Road is not to be used. Once provided such signage will be maintained in perpetuity.*

*4. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of staff, customers', service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.*

*5. The premises, the subject of the application, shall not be taken into use until cycle parking has been provided within the application site in accordance with the application drawings, with the cycle stands being maintained throughout the life of the development free from any impediment to its designated use.*

*6. No development shall take place until a scheme for the provision of bus demarcation markings to delineate the bus stop adjacent the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the above provisions have been provided in accordance with the approved scheme.*

*7. The premises, the subject of the application, shall not be taken into use until a Service Management Plan, that shall address matters including the maximum length of delivery vehicles and that deliveries to the development hereby permitted shall not be made from the highway, has been submitted to and approved in writing*

*by the Local Planning Authority. Servicing, including deliveries, shall only be made in accordance with the approved Service Management Plan.*

- 5.4.2 The comments and support of the LHA above is noted alongside the proposed list of suggested conditions.

#### Car Parking

- 5.4.3 The proposals include 18 car parking spaces which will accommodate the customer parking allocation as well as sufficient car parking for the staff (1 no. space).

- 5.4.4 It is accepted that stores of this nature serve a local area and have a significant level of non-car borne trips however in addition; the length of stay is much lower than superstore customers. Comments from the LHA support this assumption and consider the level of on site car parking proposed. In this regard the number of available car parking spaces contained within the site for customers should be sufficient to cater for the likely parking demand generated by the proposals. It is also noted that the previously proposed tesco conversion included only 15 no. on site spaces and this was accepted by the Planning Inspectorate.

#### Servicing

- 5.4.5 The application submission is accompanied by a Transport Statement (TS) which sets out typically proposed servicing arrangements for the store.

- 5.4.6 The TS sets out that the proposed store will be serviced by a series of delivery vehicles, most likely a 10.35 metre rigid HGV. From experience at other stores of this size and type it is envisaged that the proposed convenience store will have one rigid vehicle and two transit van type delivery vehicles every morning. In addition there will be another transit van type vehicle during the day and three other rigid vehicles per week.

- 5.4.7 Deliveries to the site will be timed and programmed to ensure that the conflict with customer vehicles and pedestrians will be minimal and will be targeted to occur during periods of lower background traffic flows on the surrounding highway network and also avoid busy convenience store trading periods. Servicing will take place via the front of the store using the improved entry and exit access points off Ashgate Road and this will be managed by a 'banksman'

or an employee of the site at the time of a delivery. This arrangement is commonplace for convenience stores across the country.

- 5.4.8 A swept path analysis for a 10.35 metres long rigid and with a large articulated vehicle of 13.4 metres in length are submitted in the TS and this demonstrates that if a larger vehicle does need to service the site for any reason then it is clear that this type of vehicle can access the site safely and efficiently.

#### Cycle Parking

- 5.4.9 The proposed site layout details that the development is to be served by cycle parking provision located on the LH side of the principle facade, adj to the ramped access. The site layout plan submitted shows 4 no. sheffield cycle parking stands are proposed spaced 0.4m apart; however the **Chesterfield Cycle Campaign** (CCC) has commented on the application advising that the stands should be spaced 1.2m to allow cyclists to park with panniers (which is likely to occur with cycle visitors to a convenience store) – but they would accept a reduction in provision from 4 no. hoops to 3 no. hoops.
- 5.4.10 It is considered that an increase in the spacing between the hoops would improve functionality and therefore it is consider that an appropriate planning condition can be imposed on any permission granted asking for a minimum of 3 no. stands be provided spaced a minimum of 1.2m apart.
- 5.4.11 In addition to the comments concerning the cycle stand provision CCC also requested that the service driveway be bollarded in the same way that the loading bay is proposed to be bollarded (in advance of the principle elevation of the premises) to deter indiscriminate parking by customers in this area at busy periods. Presumably this is to ensure that users of the cycle parking facilities are not faced with conflict in the use of this area.
- 5.4.12 Notwithstanding this however it is considered in the best interests of highway safety that unrestricted access to the service area is maintained to avoid service vehicles waiting on the highway. It will be the responsibility of the site operative to ensure that their service area is not misused and it is noted that the LHA recommend the positioning of a sign advising 'no entry' other than for service vehicles.

### Bus Stop Improvements

- 5.4.13 Adjacent to the application site there is an existing bus stop located on the southern carriageway of the Ashgate Road. The TS details the stop is utilised by the existing number 2 and 2A Stagecoach bus service with up to two services per hour.
- 5.4.14 Whilst not initially detailed as a proposal / offer of this current application; the previous appeal decisions concerning the site imposed a requirement to improve the bus stop facilities and secure formal demarcation of the bus stop outside the site. In addition to this it is noted that the LHA are now recommending that in addition to the demarcation works the footway is enhanced to provide a raised bus boarder at this location.
- 5.4.15 The requirement to demarcate the bus stop is reasonable and this was a requirement imposed by the Planning Inspectorate on the previous planning appeals at the same site. The applicant has confirmed that they are happy to agree to provide these facility enhancements.
- 5.4.16 Overall it is considered that the development proposals offer an appropriate and acceptable design having regard to highway matters. The proposed car parking layout, access amendments and service arrangements are considered to be acceptable and meet the requirements of policies CS2, CS18 and CS20 of the Core Strategy in this regard.

### **Flood Risk / Drainage**

- 5.5.1 The application form details that the proposed development will be connected to existing foul and surface water mains sewers, however there are no further details of drainage proposals shown on the application drawing submitted.
- 5.5.2 The Design Services team and Yorkshire Water Services were both consulted on the application submission. YWS did not provide any detailed comments however the DS team responded as follows:  
*'The area is not shown to be at risk according to the Environment Agency flood maps. Any new drainage for the proposed building and any amendments to the existing building drainage may require Building Control approval. The applicant will also need to contact*

*Yorkshire Water for any additional connections to the public sewer.'*

5.5.3 With regard to the comments received above it is considered that further drainage details are not required to be submitted. Building control approval will ensure that development is adequately connected to the existing drainage infrastructure.

## 5.6 **Land Condition / Contamination / Noise**

### Land Condition / Contamination

5.6.1 The application submission is accompanied by a Ground Investigations Report which considers issues in respect of land condition and contamination under policy CS9 of the Core Strategy. The Report includes a Coal Mining Risk Assessment (CMRA), which is a requirement of the submission given the nature of the development and the fact the site lies in the Coal Authority's development referral area. The application was referred to the **Coal Authority (CA)** and the Council's **Environmental Health Officer (EHO)** for further comments in this respect.

5.6.2 The CA's latest response confirmed they, *'consider that the content and conclusions of the Coal Mining Risk Assessment Report contained within the Ground Investigation Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development .....However, further more detailed considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent Building Regulations application'*.

5.6.3 The EHO did not raise any comments in their consultee response specifically in relation to land contamination.

5.6.4 Overall having regard to matters concerning land condition and contamination the Ground Investigation Report concludes there is no need for any further site investigation or remediation (subject to the development proceeding as planned). This conclusion is supported by the comments of the CA who advise subsequent Building Regulations approval will control foundation design and gas protection measures deemed necessary by ground conditions.



## Noise

- 5.6.5 The application proposals look to install an area of plant and equipment to the rear of the new extension (southern elevation) alongside in formation of a service yard / delivery area to serve the convenience store on the eastern elevation of the premises. In this respect the application submission is accompanied by a Noise Survey Report (NSR) which has been reviewed by the EHO and commented upon.
- 5.6.6 In respect of plant and equipment The EHO confirms the application is supported with a noise assessment report using BS4142:2014 and is a recognised assessment tool for determining whether the noise source is likely to give rise to complaints. The BS4142 calculation uses known noise information (e.g. background noise levels, the sound power levels of the equipment etc.) and determines how significantly the noise levels from the equipment will impact on the surrounding area and whether the equipment is likely to give rise to complaints. The report concludes that for both daytime and night-time hours the equipment will generate noise levels which will be “below marginal significance” and complaints are unlikely to be made by local residents.
- 5.6.7 The EHO’s response also details matters in respect of the proposed construction / development phase and the general operation of the convenience store. In principle the EHO does not object to the application proposals but recommend measures to control construction hours and the general operation of the convenience store as follows:
- *the hours of demolition/construction/installation be limited to 08:00 hours to 18:00 hours Monday to Friday only. Demolition/construction/installation shall not be carried out during the weekend or on a public holiday. This recommendation includes the delivery of construction materials.*
  - *the delivery vehicle to park as close to the delivery area as possible to ensure cages are pulled/pushed a minimum distance.*
  - *roll cages will not be moved externally during the hours of 20:30 hours to 07:30 hours.*
  - *a trained member of staff will be present during all deliveries to assist with delivery vehicle access and egress, where required, as well as with the movement of goods from vehicle to store.*
  - *vehicle engines will be switched off at all times during the unloading/loading operation in order to ensure that vehicle noise is kept to a minimum.*

- *delivery roll cages will remain on the service vehicles until such time as they can be immediately unloaded into the store.*
- *cage marshalling will be undertaken within the store until such time as they can be immediately loaded onto the tail lift of service vehicles.*
- *the delivery hours shall be restricted to 07:30 hours to 20:00 hours Monday to Friday; 08:00 hours to 19:30 hours on Saturday. No deliveries shall take place on a Sunday or Public Holiday. This recommendation would exclude deliveries of newspapers, bread and milk which are generally made via smaller vehicles.*
- *appropriate and legible signage is located and prominently displayed in the car park advising patrons to be considerate to neighbours.*
- *all lighting installed on site will be designed to minimize glare and nuisance to nearby residential properties.*

- 5.6.8 Having regard to the recommendations made by the EHO in their comments it is noted that there is some disparity between their requirements against the sites fall-back position, the recent appeal decisions and other 'standard' conditions imposed where they relate to construction hours.
- 5.6.9 Firstly in respect of construction hours the Council's standard condition which is replicated across the Borough allows *construction work to 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.* It is noted that the EHO has requested no construction work to take place on a Saturday however this is not in line with the standard condition which is accepted across the Borough. There is no reason to suggest why Saturday working is unacceptably harmful to residential amenity between the hours of 9.00am until 5.00pm.
- 5.6.10 Secondly in respect of delivery hours the potential impact arising from this activity relates to the character of the surrounding area as a predominantly residential suburb and the fact there is a common boundary sharing neighbour located immediately east of the proposed service yard and delivery doors that could be adversely impacted upon. In this respect the applicant has sought freedom to accept deliveries between the hours of 07:00am and 22:00pm 7 days a week; however the recent Appeal decisions considered the potential impact of deliveries taking place to service the sites operation as a convenience store upon the amenity of local

residents (in particular those boundary sharing ones located in closest proximity to the service yard) and the Planning Inspectorate imposed the following condition:

*Deliveries to the retail use hereby permitted and the associated activity of loading and unloading shall be restricted to the hours of 07:00hrs to 18:00hrs Mondays to Saturdays and 08:00hrs to 16:00hrs on Sundays.*

5.6.11 Whilst the applicant has sought to argue that delivery hours between 07:00am and 22:00pm 7 days are necessary to ensure adequate operation and servicing of the store with the submission of a number of appeal decisions for other Co-op stores in the UK; it is considered that in this case there is a recent appeal decision for the site in question and this is the most appropriate decision to base any subsequent recommendation upon. The Inspector of those appeals did consider the fall back position of the public house being able to operate without restriction however it was their view that the potential adverse impacts of deliveries to a convenience store being made and transferred into the service area upon the closest neighbouring property carried greater weight. The Inspector concluded that an hours control was necessary and this in turn is considered to be appropriate and reasonable in the interests of amenity.

## 5.7 **Community Infrastructure Levy (CIL)**

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

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

Existing Floorspace	Floorspace lost by COU or Demolition	Floorspace proposed (inc. COU)	Net additional Floorspace
211sqm	211sqm	330sqm	119sqm
<b>Total:</b>		<b>119 x £80 (index linked) = £9,520</b>	

## 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 06/12/2017 and by neighbour notification letters sent on the 05/12/2017. As a result of the applications publicity there have been 14 letters of representation received as follows:

### **195 Ashgate Road**

This is a formal objection against the proposed Coop Store on Ashgate Road;

The area is already saturated with supermarkets and convenience stores, off licenses and ATMs with 6 other convenience stores in a 1 mile radius;

The development will affect local and small businesses negatively and is at odds with local and national regulations on sustainable communities;

Street parking will be adjacent to our home causing noise, pollution and dust at all times of day and night and there will be an increase in traffic congestion, emissions, noise, congestion and accidents;

Ashgate Road is already busy and the additional concentration will cause traffic problems and create a safety hazard for local residents, children and other motorists;

Delivery lorries will add to these issues, especially as the site is close to Ashgate Croft School which is extremely busy as the majority of people attending this school need transport to and from its location;

The new store will overlook our property, bright security lighting will be installed around the whole of the site leading to a loss of privacy, impacting upon the peaceful enjoyment of our home;

The number of out of town outlets is threatening the unique character of Chesterfield and the local economy (shops shutting weekly in the town centre) and as a Council you should be doing everything you can to support independent traders, not national retailers; and

Before the election, the Conservative Party pledged to introduce a 'needs test' to enable local councils to take competition issues into account in our local plans.

***Officer Response: Competition in the local economy is not a material planning consideration.***

***Please see sections 5.2, 5.3 and 5.4 above.***

### **193 Ashgate Road**

Customer objects to the Planning Application

Comment Reasons:

- Noise
- Traffic or Highways
- Visual

Comment: Will cause traffic & parking issues, air, light and noise pollution & will be detrimental to area.

***Officer Response: Please see sections 5.2, 5.3 and 5.4 above.***

### **193 Ashgate Road**

I wish to object to the application on the following grounds;

Parking is already at a premium on Ashgate Road and any subsequent restrictions imposed to facilitate this development will cause a strain on existing residents and lead to dangerous and illegal parking;

At the location of the development the road and footways are narrower and often people speed along this section of Ashgate Road;

There is an ambulance station situated in close proximity and emergency vehicles often use the road – delivery vehicles will hinder their progress;

A number of side roads have been the scenes of RTAs caused by speeding traffic and poor visibility on Ashgate Road. In addition Cuttholme Road is often used as a turning circle by drivers who want to make a quick u-turn;

Congestion is experienced during rush hours, at school drop off and pick up and over weekends and on bin collection days (often when bins obstruct the footway);

Children access the local play area only the footways described above and make the journey to and from school on foot from an early age. The only pedestrian crossing however is at the town end of Ashgate Road;

There is a new housing development beside the former Crispin and the proximity of the entrance to the development to The Crispin will make entering and exiting troublesome for the residents;

The delivery profile of the new development would probably closely match that of the Spar mini-market and petrol station at the bottom of Ashgate Road which will cause congestion and also add an environmental impact (at least one HGV a day and other transit vans);

The proposals imply that delivery trucks would be expected to back out of the development's yard - again this would impact on the safe flow of traffic and the route of emergency vehicles on Ashgate Road

It is likely that the new housing development adjacent will be adversely affected by the noise from the heavy plant machinery and this should be taken into consideration. Also the houses opposite the development will be subject to considerable light pollution from signage; and

Finally the area has three local convenience stores within easy reach, two national supermarket chains within a kilometre as well as at least four convenience stores from the Co-op who are making the current proposal within the same sort of range.

***Officer Response: Please see sections 5.2, 5.3 and 5.4 above.***

### **19 Churston Road**

Customer made comments in support of the Planning Application  
Comment: A new convenience store with an ATM will clearly be an asset for the local residents.

***Officer Response: Noted.***

### **19 Churston Road**

I support the application to turn the Crispin Inn to a Co-op retail store;

A new store with an ATM will clearly be an asset for the local residents;

The odd car coming out of the new Co-op store parking area onto Ashgate Road is not going to make that much difference from when it was a thriving public inn;

The suggestion of proposed hours of deliveries having the potential to cause disturbance cannot be any worse for residents from when the Crispin Inn was a busy public house and had loud music until midnight;

This proposal is very similar to that previously found to be acceptable under the previous appeal;

It will enhance the quality of main and top-up food shopping available for local residents; and

It will be conveniently accessible and will generate employment.

**Officer Response: Noted.**

**Anthony Aston Builders Ltd (adj Developer)**

We have no objection to the planning application in principle, our only objection relates to the site plans submitted.

The block plan, existing and proposed site plans are all incorrect regarding the position of the Western Boundary, it has been drawn outside of the Crispin Inn's registered land and encroaches onto our site by a considerable distance. We enclose our land registry plan showing the correct position of the boundary.

Can you please seek to get these plans corrected prior to considering the application?

***Officer Response: This matter was addressed with the submission of a set of plans with a revised red line boundary (11/01/2018) and by the applicant further providing land registry plans of the site. These were passed on and the objector was advised that on the basis the red line plan now appeared to reflect land registry details provided any further boundary dispute they might have would be a private / civil matter.***

**34 Ashgate Avenue**

Customer objects to the Planning Application

Comment Reasons:

- Policy
- Residential Amenity
- Traffic or Highways

Comment: Need low cost housing

Road congestion

Ample retail outlets within walking distance will be affected

***Officer Response: Please see sections 5.2, 5.3 and 5.4 above.***

**34 Ashgate Avenue**

Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Residential Amenity

Comment: A great opportunity for the Council to develop some innovative Low Cost Housing, think out of the box

***Officer Response: Noted.***

**39 School Board Lane**

Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The pub is dead, area needs development and it might hide the new hideous properties to the rear

***Officer Response: Noted.***

**A Local Resident**

The proposal is very similar to that which was found to be acceptable by the previous appeal inspectorate;

I fully support the application to turn the Crispin Inn to a Co-op retail store. A new store with an ATM will be an asset for the local residents;

I cannot fully understand why any local residents would object to a more useful local amenity, when they didn't object to a public house, and the more recently built St Crispin's Court properties causing far more of a disruption to our community. If they are so concerned in the whole of their community, instead of just themselves, they would have sympathy with the residents of Churston Road;

Cars have been parking along the pavement on Ashgate Road for many years, while the public house was still operating. We had noisy children playing in the beer garden, regular late night music and the occasional firework display; and

A quiet little convenience store will be a positive paradise in comparison.

***Officer Response: Noted.***

**A Local Resident**

I OBJECT to the proposed Co-op plans CHE/17/00830/FUL for the same reasons that I objected to a Tesco at this location;

The increased amount of vehicular movement in and out of the premises by customers and large delivery vehicles attempting to reverse in, or out of the tight, restricted access could create a danger on this very busy road, and because this is the main route for emergency ambulances from the nearby ambulance station in to chesterfield, this may also cause emergency ambulances to be delayed;



When it was a quiet pub, most customers visited on foot and deliveries were only a few times a week. Most local convenience stores of the this type appear to have numerous deliveries every day;

The only realistic way to improve road safety at this site, would be to introduce parking restrictions on both sides of Ashgate Rd, between the junctions of Churston Rd and Cuttholme Rd, but then that would cause problems on Churston Rd and Cuttholme Rd because all the vehicles that are currently parking on Ashgate Rd, and the Crispin car park will have to park elsewhere, which will most likely be these two nearby roads;

The nearby Inkerman park still has a serious problem with underage drinking, often resulting in vandalism and general anti-social behaviour (which Chesterfield Borough Council and police will be aware of). This is very intimidating, which makes for a no go area for many people, and a very unpleasant situation for any residents bordering the park. Having a nearby shop selling cheap alcohol will only exacerbate the problem;

There is no need for another shop in the area, as there are plenty of other shops within walking distance. Having yet another Co-op will mean that their businesses will suffer; and

Some residents who are objecting to this property being a pub again, need to realise that it had always been a pub long before any current living person has been in existence. So why did these people choose to live near a pub in the first place? The main reason why the pub has closed is because Enterprise Inns created near impossible trading conditions for its landlords, as a result, no experienced landlord/ licensee would go near it. As is the case for many other failed pubs owned by PubCo's. There is no reason why it couldn't succeed as a pub again under the right circumstances.

***Officer Response: Please see sections 5.2, 5.3 and 5.4 above.***

#### **45 Wash Green, Matlock**

Stance: Customer made comments in support of the Planning Application

Reasons for comment:

- Visual

Comments: Nice to see the area is being redeveloped will look good inline with the superb new builds next door

***Officer Response: Noted.***

**Rear of 246 Ashgate Road**

Stance: Customer made comments in support of the Planning Application

Comments: Pleased to see regeneration of unused buildings, should compliment the exquisite new builds adjacent.

***Officer Response: Noted.***

**100 Old Road**

Stance: Customer objects to the Planning Application

Reasons for comment:

- Noise
- Residential Amenity
- Traffic or Highways

Comments: I object on the grounds of health and safety. No pedestrian crossing nearby and increased traffic.

***Officer Response: Please see sections 5.2, 5.3 and 5.4 above.***

7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
  - The objective is sufficiently important to justify the action taken
  - The decisions taken are objective and not irrational or arbitrary
  - The methods used are no more than are necessary to accomplish the legitimate objective
  - The interference impairs as little as possible the right or freedom
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

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

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

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

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

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

9.0 **CONCLUSION**

9.1 The proposed change of use, revised car parking layout and extensions to the existing premises 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 CIL Liability notice be issued as per section 5.7 above:

10.2 That the application be **GRANTED** subject to the following:

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.

Location Plan 3231 PL\_001 Rev G

Existing Site Layout 3231 PL\_002 Rev B

Proposed Site Layout 3231 PL\_003 Rev G

Existing Floor Plans 3231 PL\_004 Rev B

Proposed GF Plan 3231 PL\_005 Rev J

Proposed FF Plan 3231 PL\_009

Existing Elevations 3231 PL\_006

Proposed Elevations 3231 PL\_007 Rev E

Proposed Block Plan 3231 PL\_008 Rev F

Design & Access Statement prepared by AMCA Architects

Planning Statement prepared by Pegasus Group

Sequential Sites Assessment prepared by Pegasus Group

Transport Statement prepared by Croft Transport Solutions

Ground Conditions Report (inc. Coal Mining Risk Assessment) prepared by Soiltechnics

Noise Impact Assessment prepared by Hann Tucker

Arboricultural Statement prepared by Crown Consultants

Statement of Community Consultation prepared by Instinctif Partners

Viability Statement prepared by Fleurets

Marketing Report prepared by Wright Silverwood

*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.*

## Highways

03. Before any other operations are commenced, the existing access to Ashgate Road shall be modified in accordance with the application drawings, laid out, constructed and provided with 2.4m x 47m visibility splays in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

*Reason - In the interests of highway safety.*

04. The access, the subject of condition 1 above, shall not be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on both sides of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

*Reason - In the interests of highway safety.*

05. Before the premises, the subject of the application, shall not be taken into use until appropriate signage has been erected within the site so as to inform customers that the eastern access to Ashgate Road is not to be used. Once provided such signage will be maintained in perpetuity.

*Reason - In the interests of highway safety.*

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

*Reason - In the interests of highway safety.*

07. The premises, the subject of the application, shall not be taken into use until at least 3 no. cycle parking stands have been provided within the application site spaced at least

1.2m apart, with the cycle stands being maintained throughout the life of the development free from any impediment to its designated use.

*Reason - In the interests of highway safety.*

08. No development shall take place until a scheme for the provision of bus demarcation markings to delineate the bus stop adjacent the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the above provisions have been provided in accordance with the approved scheme.

*Reason - In the interests of highway safety.*

09. The premises, the subject of the application, shall not be taken into use until a Service Management Plan, that shall address matters including the maximum length of delivery vehicles and that deliveries to the development hereby permitted shall not be made from the highway, has been submitted to and approved in writing by the Local Planning Authority. Servicing, including deliveries, shall only be made in accordance with the approved Service Management Plan.

*Reason - In the interests of highway safety.*

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

*Reason - In the interests of highway safety.*

## Hours Restrictions etc

11. 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.*

12. The use hereby permitted shall not be open to customers outside the following times: 06:00hours to 23:00hours Monday to Sunday.

*Reason - In the interests of residential amenities.*

13. Deliveries to the retail use hereby permitted (excluding newspapers, magazines and sandwiches, providing that these deliveries are made by transit 'type' vehicles only) and the associated activity of loading and unloading shall be restricted to the hours of 07:00hrs to 18:00hrs Mondays to Saturdays and 08:00hrs to 16:00hrs on Sundays

*Reason - In the interests of residential amenities.*

## Others

14. 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.*

15. 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.*

### **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.
03. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.



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