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File No: CHE/17/00798/FUL
CHE/17/00799/LBC
Plot No: 2/520

ITEM 1

APPLICATION FOR FULL PLANNING PERMISSION AND LISTED BUILDING CONSENT FOR CHANGE OF USE FROM B1 (BUSINESS) TO RESIDENTIAL (C3) COMPRISING 32 APARTMENTS OVER 3 FLOORS INCLUDING INTERNAL ALTERATIONS TO LISTED BUILDING (REVISED INFORMATION RECEIVED 27/01/2018 AND 23/04/2018) AT KNIGHTSBRIDGE COURT, WEST BARS, CHESTERFIELD, S40 1BA FOR MR DAVID RAMSDEN

Local Plan: Town Centre
Ward: Brockwell

1.0 CONSULTATIONS

DCC Highways	Comments received 22/11/2017 – no objections
Environmental Services	Comments received 20/11/2017 – no objections
Design Services	Comments received 30/11/2017 – see report
Economic Development	Comments received 28/11/2017 – see report
Housing Services	Comments received 20/11/2017 – see report
Yorkshire Water Services	No comments received
Crime Prevention Design Advisor	Comments received 28/11/2017 – see report
DCC Strategic Planning	Comments received 07/12/2017 – see report
Lead Local Flood Authority	Comments received 28/11/2017 – no objections
Chesterfield Civic Society	Comments received 26/1/2017 – see report
Conservation Officer	Comments received 05/02/2018 and 24/05/2018 – see report

CBC Strategic Planning	Comments received 09/12/2017 – see report
Urban Design Officer	Comments received 05/12/2017 – see report
DCC Archaeologist	Comments received 06/12/2017 – see report
North Derbyshire Care Commissioning Group	Comments received 30/11/2017 – see report
Ward Members	No comments received
Site Notice / Neighbours	Two letters of representation received

2.0 **THE SITE**

2.1 The building the subject of the applications is Knightsbridge Court, the former Magistrates Court House building located off West Bars in the Town Centre.



2.2 The former Court House building is positioned to the west side of the Shentall Gardens open space area within the formal south setting of the Town Hall and war memorial on Rose Hill. The building is seen in the round. To the west is a footpath connection, a pay and display car park and the curtilages of residential dwellings beyond. To the south is West Bars. The site is situated within the Chesterfield Town Centre Conservation Area and the building is grade II listed.

2.3 The building was vacated as a Court House in the late 1990s and was partly occupied by an office use in the early 2000's. The building has since lain vacant for some years and is understood to have last been sold in early 2014. Committee members will also be familiar with recent occupation of the building by squatters and the damage caused as a result and that the owner is currently funding 24 hour security presence by Riber Security.

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/14/00472/FUL - Change of Use from A2 and Sui Generis to A1, A2, A3, A4, B1, D1 & D2 including parking in grounds - revised plans and description revised on 07/11/2014. Conditional permission granted 07/01/2015.

4.0 **THE PROPOSAL**

4.1 The applications submitted seek full planning permission and listed building consent for the proposed conversion of the former Court House building from B1 (Business) into 32 no. self-contained apartments (1 and 2 bed) over three floors. The development is to be serviced via a centralised stair core (which is already present within the building). The proposals include a series of internal alterations to the building to facilitate the conversion including introduction of compartmentalisation of the court rooms.

4.2 The application is accompanied by the following plans / documentation:

- OS Plan – 2798 001
- Existing Site Layout – 2798 002
- Existing Elevations – 2798 020
- Existing GF and Cellar Plan – 2798 010
- Existing FF Plan – 2798 011
- Existing SF Plan – 2798 112
- Proposed Site Layout – 2798 102 Rev A
- Proposed Plans and Elevations 2798 206 (Plans superseded by 207, 208 and 209)
- Proposed GF Plan – 2798 207
- Proposed FF Plan – 2798 208
- Proposed SF Plan – 2798 209
- Design & Access Statement Oct 2017 Rev A

- Viability Appraisal / Report by CPV – received 17 January 2018 (*private and confidential*)
- Heritage Statement by Phillip Heath – received 27 January 2018
- Fire Strategy Rev A by Omega Fire – dated 03 April 2018

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site is situated within the Town Centre in an area on the edge of the retail core which remains predominantly commercial in nature. Having regard to the nature of the application policies CS1, CS2, CS3, CS4, CS7, CS11, CS13, CS18, CS19, CS20 and PS1 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design ‘Successful Places’ is also a material consideration.

5.2 **Principle of Development**

5.2.1 The site is within the town centre boundary in the adopted Local Plan but is not within the retail core. The development plan sets out that permission will be granted for development that enhances the range and quality of residential uses within the town centre and contributes towards the objectives of the town centre masterplan.

5.2.2 The site, which is considered previously developed, is within easy walking and cycling distance of the full range of facilities available in Chesterfield Town Centre and excellent public transport connections. It therefore accords with the principles for the location of development (‘concentration and regeneration’) set out in policies CS1 and CS2 of the Core Strategy.

5.3 **Design Considerations / Heritage Impact**

5.3.1 The application proposes 14 one-bed and 18 two-bed flats. The site area measures 0.45 hectares. This equates to a gross density of 71 dwellings per hectare which is a high density of development, although this is not inappropriate given the town centre location of the site.

- 5.3.2 Throughout the application process meetings and internal inspections of the building have taken place to discuss the proposals and understand the implications for the impact on the listed building. It was agreed that the starting point should be that as much original historic fabric should be retained as possible and ideally remain exposed to enable the history, function and appearance of the internal spaces to be interpreted, appreciated and understood.
- 5.3.3 Notwithstanding the approach advocated above it was agreed that there would inevitably have to be some acceptance of compromise, given the very specific design and function of the original building and the implication this has upon its ability to be converted into any other use and meet current fire and building regulations. The applicant was requested to investigate fire safety measures to facilitate the proposed conversion (due to the extensive use of timber cladding internally) as well as the ability to achieve adequate thermal performance and noise protection for the future flats.
- 5.3.4 A Detailed Fire Strategy was submitted in April 2018 alongside a series of revised floor plans which responded to the recommendations of the Strategy. The Strategy states that under Building Regulations a building owner is required to provide an adequate level of life safety to the building by providing suitable means of escape, means of warning occupants of a fire, limiting internal fire spread, protecting adjacent property from fire, and facilitating Fire Service operations.
- 5.3.5 In order to achieve an appropriate Fire Strategy as is detailed a high degree of compartmentation will be necessary and this inevitably will have a potentially adverse impact upon the appearance and fabric of the original listed building. Notwithstanding this as the principle of development is considered to be acceptable, compartmentalisation of the building and the loss of space in the high ceiling court rooms will be a necessary compromise.
- 5.3.6 The building was grade II listed in 1998, when its use as a magistrates court was relocated to a purpose built facility elsewhere in the town centre. Since then, it has proved difficult to attract an alternative use / occupation for the premises because of its specific design and layout. A 'call centre' facility was

temporarily operated in both of the court rooms with desk furniture free standing in these large rooms as a design solution, however its internal layout is not conducive to sub-letting or representative of good value for money for a single occupier with so much 'dead space' existing in the overall layout. The building is not without its difficulties for occupation as it currently stands and this perhaps reflects the fact the open ended permission granted in 2014 for A1, A2, A3, A4, B1, D1 & D2 uses classes failed to attract any interest.

5.3.7 The grade II listing entry states:

Magistrates Court house. 1963-65. Designed by Prof J S Allen and Roy Keenlyside for Chesterfield Borough Council. Altered c1975. Reinforced concrete, with decorative stone cladding, and timber roofs clad with copper sheeting. Double fan shaped plan. 3 storeys. Original east entrance front has recessed ground floor with central double glazed doors now blocked with glazing side lights. Either side 4 windows with concrete louvres to the offices. Above 11 bays topped with gables, the 3 central bays have recessed windows to both floors. Either side the 2 storey courts have grey slate panels with side lights and set back grey/green slate cladding. West front has recessed ground floor with 11 windows each with concrete louvres. Above 11 gable bays, the central 3 and outer 2 with grey slate cladding and side lights with set back grey/green slate cladding. The 4 remaining bays on either side have recessed windows. The north and south sides have recessed angled facades with slightly recessed ground floor with glazed entrance at centre of east section with large glazed windows above. Flanking wings have concrete louvres set in grey slate cladding.

INTERIOR has original Y-shaped entrance hall way which rises up through all 3 floors. East entrance now blocked and converted to offices. Entrance from north and south into hallway with marbled floor and marble clad columns with wooden ceilings and recessed lights. Central imperial type staircase marble clad with metal and wood balustrade. Upper floors have wooden clad walls and movable glazed screen for dividing access from juvenile court when in session. 2 storey courts on upper floor retain original wooden cladding, ceilings and courtroom fittings, including magistrates bench, dock, seating for lawyers and the public.

5.3.8

Having regard to the fact the application seeks both planning permission and listed building consent the Council's Conservation Officer (CO), the Chesterfield Civic Society (CCS) and DCC Archaeology (Arch) have all been consulted on the application proposals and the following comments were received respectively:

CO

Knightsbridge Court is a grade II listed modernist building dating from 1963 and was carefully designed to function specifically as a local Magistrates Court. Renowned Architect/Town Planner Joe Allen was involved in its design and it is probably Chesterfield's most interesting example of post-war modernist civic architecture. The building has also considerable prominence and sits beneath the grade II listed neo-classically designed 1930s Town Hall. Both buildings are significant landmarks when entering the historic town centre along West Bars, hence are important components of the Chesterfield Town Centre Conservation Area.

The applicant has provided a well-researched Heritage Statement which goes into some detail about the history of the building and its architectural significance (Philip E. Heath IHBC). The Statement acknowledges that the proposed residential change of use will result in significant compartmentalisation; hence there will be impacts on the building's interior, particularly on the large open spaces of the former courtrooms with their rosewood/Norwegian quartz panelling and unusual timber geometric ceilings. But the Statement justifies this approach by arguing the changes are less than substantial and should be weighed against the public benefits of the proposal, including its optimum viable use (in line with the NPPF).

It should be noted that the building is on the Heritage at Risk register and has been unoccupied for a substantial amount of time. Planning consents dating from 2014 are in place for changes of use (ref: CHE/14/00472/FUL & CHE/14/00473/LBC) but these have not been implemented, presumably because of a lack of market interest. It is likely that this lack of interest is due to the bespoke design of the building's interior which unfortunately is not conducive to the floor space requirements of contemporary high street or leisure operators. The building has also become subject to serious vandalism, both internally and externally. The current financial climate in the public sector means there is little chance that public funds can be sourced to assist in the building's

restoration or conversion. The reality is that without a new use it is likely that the building will continue to be vulnerable to anti-social behaviour and slowly deteriorate as a result of non-occupancy.

The applicant has provided a Viability Assessment (David Newham MRICS) which suggests that the proposed scheme is not viable in financial terms, i.e. the cost of conversion will be more than what the building would sell for if put on the market, hence there is a clear conservation deficit.

My view is that given the required compartmentalisation, the proposed scheme is likely to result in the loss of historic fabric (e.g. internal panelling) and reduce the grand airy spaciousness of the former courtrooms, which is regrettable. But I'm mindful that the building's external character will largely be retained and the building would still be read as an unusual and interesting post war modernist building. Moreover, the building already has consent for a variety of new compartmentalised uses (e.g. leisure, office). On this basis, and due to the issues highlighted above, I have no objections to what is being proposed, subject to pre-commencement conditions which can clarify some elements of the proposals.

Clarity should be sought regarding:

- The extent of rosewood/quartz panel removal*
- Materials and design of any proposed new windows*
- Section drawings showing proposed internal ceiling treatments*
- Section drawings showing how/where new floors are to be fixed to internal walls*
- Materials, extent and size of any external boundary treatments (e.g. railings or fencing)*

CCS

Thank you for consulting the Civic Society about this application. I have discussed it with other members of our committee and we are unanimously very strongly in favour of this proposal.

After watching years of indecision about the future of this prominent listed building, and the accompanying decay of the fabric, and loss of revenue to the Borough Council as both owner and rating authority, we are all delighted that a credible conversion plan has been put forward.

From the drawings submitted, the scheme appears to be excellent in all respects and we strongly urge the Borough Council to grant listed building consent for the conversion. It will bring new life into an important building and new residential accommodation very close to the town centre. It is, in our view, an ideal solution.

Arch

In relation to the proposals for internal alterations to the building, the local planning authority should be advised by its conservation officer. The applications propose significant sub-division of public spaces within the listed building, and the local planning authority should consider how these impact the building's significance, and whether any resulting harms are outweighed by public benefits as required under NPPF policy. Should the proposals gain consent then the local planning authority should consider whether a pre-conversion record of the built heritage is appropriate under NPPF para 141.

With regard to below-ground archaeology, the site is just outside the Town Centre Historic Core (Local Plan Policies), the area of Chesterfield corresponding to the medieval town and considered to have greatest potential for archaeological remains. Because the current proposals involve little ground impact outside the Listed Building I advise that archaeological impacts are very unlikely, and that archaeological work is not required under the policies at NPPF chapter 12.

- 5.3.9 Clearly given the comments made by the CO, CCS and Arch above, all three consultees offer their general support for the scheme. The CO in particular takes a pragmatic view of the resulting impacts to the historic fabric internally and he accepts that a compromise is necessary in the interests of policy CS19 of the Core Strategy and the balance of harm against material benefits set out in the NPPF.
- 5.3.10 The subdivision of the large internal spaces, such as the insertion of floors within the court rooms is regrettable, although it is acknowledged that such interventions may prove necessary in order to secure a viable alternative use for the building.

- 5.3.11 It is also recommended that original fabric in communal spaces, such as stairs, lobby areas landings etc. should be retained and remain exposed to enable the heritage, historic use and quality of spaces to be retained where they can be and thereby appreciated as part of the asset.
- 5.3.12 Within individual apartments such fabric should be retained in-situ wherever possible. However, within private apartments there may be greater scope to enclose retained original features (for example behind insulation and plasterboard), such as panelling, which would be more vulnerable within private spaces, so as to protect these elements in-situ.
- 5.3.13 It is recommended that a written scheme of investigation be a conditional requirement of any planning permission and listed building consent issued to ensure that in the communal areas of the building elements of the original building fabric are retained (in particular the rosewood panelling and quartz) so that these features of building continue to be appreciated. Furthermore where it is accepted that the panelling can be removed or boarded over (whichever methodology is subsequently agreed) elements of these finishes could be used in repair work to the panelling that is to remain and be exposed.
- 5.3.14 Turning next to the external facade of the building and the areas around it which would form part on a communal curtilage of the building it is noted that the majority of the external façade would be largely unchanged although new openings would be created on the east elevation to allow adequate natural light into the apartments in this part of the building (within the former courtrooms).
- 5.3.15 Replacement plastic double glazed windows are proposed for the majority of the building, although these will be mainly unseen and located behind the external vertical fins etc. However, where new openings are proposed or where existing large openings exist, such as the main entrance, proposed side entrance, exposed windows to Flat 02 (ground floor) and upper floor flats on east and west elevations, powder coated aluminium would be more appropriate where these are clearly visible from the outside. Clearly these details can be dealt with by the imposition of an appropriately worded condition to ensure acceptable windows and fixture profiles are achieved.

- 5.3.16 Externally, the bin store design will require details to be provided, although this could be the subject of a suitably worded condition. Given the private nature of the drive and its gradient the applicant will need to ensure that appropriate waste removal services would be happy to access the private driveway to the site.
- 5.3.17 A cycle store (for 7 no. bikes) is indicated on the ground floor within the current southern entrance, which would be blocked up as a result. This would require cycles to be taken through the lobby, which could carry dirt and moisture into a primary communal area. It is likely however that unless internal storage is provided occupiers may still wish to take bikes into the building and into their own apartments to ensure their security. For a development of this scale (32 no. units) additional cycle storage will be required (this must be weathertight and secure) and a location close to the NW edge of the site was identified as a potentially suitable, discrete position. Ideally, sufficient storage would be provided for at least one cycle per flat.
- 5.3.18 With regard to crime prevention and site security a secure perimeter is required to provide separation between the curtilage of the former courthouse and the remainder of Shentall Gardens. This should take the form of a secure railing with a limited number of controlled access points (e.g. coded access or fob controlled gates).
- 5.3.19 For security reasons the railing should be sufficiently tall to prevent causal access (i.e. not able to be easily stepped over). As such a 1.2–1.4m high railing would strike a balance between achieving a secure perimeter without harming the appearance of the gardens. The railing should be combined with a managed beech or hornbeam hedge in front of the railing so as to ensure an appropriate soft interface with the parkland. A railing detail, scale 1:20 should be submitted and agreed by the LPA, together with a boundaries plan indicating the extent and position of any boundary enclosures.
- 5.3.20 A scheme of lighting on and around the building and grounds should also be considered to increase the safety and security of the site as well as potentially highlight the former courthouse as an architecturally interesting building.

5.3.21 Overall it is considered that whilst it is accepted there will be a degree of harm / impact upon the historic fabric of the building as a result of the development proposals the level of harm is outweighed against other material considerations. The proposals promote a feasible solution to the redevelopment of a key heritage asset within the town centre which has in recent years fallen vacant and has been a target of anti-social behaviour and unauthorised occupation. Given the works would affect a small part of the interior of the listed building which makes up a proportion of the significance of the overall heritage asset, it is considered that the proposal would equate to less than substantial harm. In this instance it is considered that there is sufficient justification in accordance with the NPPF to accept that the identified harm / impacts upon the fabric of the asset will be outweighed by the benefits of supporting a scheme of redevelopment which brings the building back into use. Where there are outstanding issues of detail it is considered that these matters can be dealt with by appropriate planning conditions and overall the requirements of policies CS2, CS18 and CS19 of the Core Strategy and wider NPPF are met.

5.4 **Technical Considerations**

5.4.1 Flood Risk / Drainage

The application submission details that the existing buildings sewer connections will be re-used as part of the conversion, however it will be necessary to make amendments to the drainage under building regulations approval (as confirmed by the Design Services team in their comments). If new drainage infrastructure is required this will need to be agreed under the terms of an appropriate planning condition to accord with the provisions of policy CS7 of the Core Strategy.

5.4.2 Land Condition / Contamination / Noise

Given the nature of the application proposals, and the absence of any new development beyond the existing built footprint of the building, it is unlikely that any land condition / contamination issues arise from the development proposals. The Council's Environmental Health Officer (EHO) raised no objections to the application and accordingly under the provisions of policy CS8 the development proposals are acceptable.

It is noted that the site layout plan indicates that there will be a bin store building provided adjacent to the existing car park west of the building. The Coal Authority haven't been consulted on the application given its nature, but it would be appropriate to impose the standard 'risk' advisory note for coal mining legacy on any consent granted.

5.5 **Highway Issues**

- 5.5.1 The site layout plan indicates that 4 no. car parking spaces (1 no. of which is a disabled space) would be retained as part of the scheme and these are located on the northern aspect of the building at the bottom of the site driveway (leading off Rose Hill). In addition 7 no. cycle parking spaces are shown to be provided in a dedicated cycle storey on the GF lobby area of the building.
- 5.5.2 The application submission was reviewed by the Local Highways Authority who raised no objections to the proposals. The site is located within the town centre and nearby streets to the building are all TRO regulated such that any occupier would have to rely upon public car parks to park any vehicles in their ownership. The centralised location of the building, with easy access to all necessary facilities and amenities, would mean that the development can be accepted with the level of car parking being proposed under the provisions of policy CS2 and CS20 of the Core Strategy.

5.6 **S106 Obligations / Social Infrastructure**

- 5.6.1 Classified as a major application, a development of 32 no. apartments would trigger the provisions of Policies CS4, CS11, CS13 and CS18 of the Core Strategy which require developers to contribute proportionally to green, social and physical infrastructure.
- 5.6.2 In respect of the development proposals a contribution towards GP services (Policy CS4), affordable housing (Policy CS11) and percent for art (Policy CS18) should all be secured alongside any planning approval unless a viability appraisal is presented to justify putting aside any financial contribution on the grounds of viability balance and other overriding material planning considerations. In this case specific consultee responses were received from Housing

Services and the North Derbyshire Care Commissioning Group advising that an affordable housing contributions should be viability tested and a contributions towards GP services of **£8,977** should also be secured.

- 5.6.3 In this instance (in collaboration with the Local Planning Authority to agree an independent consultant) the applicant submitted a viability appraisal of the scheme and a subsequent appraisal and report was prepared by David Newham of CPV and was submitted on the 17 January 2018.
- 5.6.4 The appraisal takes into account current market conditions, development costs and potential profit margins. The conclusion reached by both the applicant and the independent surveyor is that the scheme is unviable, even before any planning policy contributions are applied. This means that to further apply S106 contributions (and CIL contributions – see section 5.7 below) is highly likely to render the scheme entirely undeliverable.
- 5.6.5 Conclusive advice given by the independent surveyor is that they agree with the applicant's position that the scheme is unable to provide any contributions. Furthermore the appraisal results they have presented to the LPA support the view that this is an extremely challenging project with significant complexities, which has only a relatively limited chance of being brought forward.
- 5.6.6 Notwithstanding the above the applicant has indicated their desire to proceed with the development, as they are financially committed to the building and they are committed to the costs of maintaining its current security arrangements. Furthermore as a vacant building the applicant continues to receive reports of unauthorised access and the Members will be fully aware of incidents of fires and anti-social behaviour which have been experienced in the past. An internal inspection of the building confirms that many of the windows have been broken and internal fixtures, fittings and fabric are damaged or have been vandalised. To not progress with a scheme of redevelopment leaves the applicant with an ongoing problem and therefore they have accepted that a solution needs to be secured and a positive planning permission would greatly assist in the schemes delivery along with the applicant own cross funding.

5.6.7 On the basis of the conclusions of this report and the independent advice received on viability it is considered that there is sufficient evidence and justification in this case to set aside any S106 contributions in favour of facilitating a permission that will secure the redevelopment of a grade II listed building which is vacant, with complex redevelopment requirements and continues to be at risk of further vandalism and damage / unauthorised access due to anti-social behaviour.

5.7 **Community Infrastructure Levy (CIL)**

5.7.1 With regards to this particular application the CIL Regulations state that any building / existing floor space which has not been occupied with a legitimate planning use for a period of 6 months within the last 3 years becomes liable for CIL when a new planning permission is granted and implemented. In this case the building has not been (legally) occupied in the last 3 years and therefore the scheme is CIL liable.

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

		A	B	C	D	E
Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
1967	0	1967	£50 (High Zone)	317	288	£108,254

Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of permission) (C) / BCIS Tender Price Index (at date of Charging Schedule) (D) = CIL Charge (E).

5.7.3 With regards to the conclusions reached in section 5.6 above, the CIL charge detailed would normally have also been included in any viability appraisal undertaken for the development. With regards to CIL, normally this charge is a fixed cost within a viability assessment (often regardless of the outcome of the viability

appraisal). However, in some exceptional circumstances an exemption can apply. In this regard, the Council sets out its own position on this, stating the following:

- 5.7.4 The CIL Regulations make clear that relief should only be granted in truly 'exceptional circumstances'. The fact that a development might be unviable at the time a planning application is considered is unlikely to constitute 'exceptional circumstances' in relation to the CIL Regulations however in this particular case, the Council may wish to consider whether Exceptional Circumstances Relief ("ECR") applies.
- 5.7.5 This is not simply because the scheme is already demonstrated to be unviable, but instead because the viability issues means it is likely to be difficult for the site to be brought forward. This is likely to result in a grade II listed building, in a prominent position within the town, continuing to be targeted by vandalism and remains a high risk from squatters. Removing the CIL charge would not guarantee that the site would be brought forward, but it would undoubtedly increase the chances that the scheme could be delivered.
- 5.7.6 In this case it up to the applicant / developer to make an application to the Council under the CIL Regulations to have ECR considered. This can take place post planning permission, but prior to development commencing.

6.0 **REPRESENTATIONS**

6.1 CHE/17/00798/FUL

- 6.1.1 The application has been publicised by site notice posted on 27/11/2017 and by advertisement placed in the local press on 23/11/2017.

6.2 CHE/17/00799/LBC

- 6.2.1 The application has been publicised by site notice posted on 27/11/2017 and by advertisement placed in the local press on 30/11/2017.

6.3 As a result of the applications publicity's a local resident write in on two occasions with the same comments made to each application as follows:

A Local Resident

I agree with the Design & Access Statement and support the residential conversion of this vacant Listed Building.

I feel that the proposed works are in-keeping with this Listed Building and support its return to active use.

It is important that Listed Buildings are used & maintained to stop them becoming derelict.

*In addition, the former Court House is an **EYESORE** in its present condition and has become a **crime & fire hotspot**, suffering repeated vandalism / antisocial behaviour, including a number of break-ins and evidence of illegal drug usage.*

I feel the proposed development will help to improve the Town Hall / Shentall Gardens area by increasing activity during the day time and in the evenings.

*I would like to suggest as part of the proposals that **improved lighting / CCTV** is installed around the building and in the Shentall Gardens.*

I feel this would make the surrounding area more welcoming, less threatening and reducing the fear of crime.

A Local Resident

Further to my previous response, I agree with the Police Designing Out Crime Officer advisory comments.

6.4 **Officer Comment: Noted.**

7.0 **HUMAN RIGHTS ACT 1998**

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

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

- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.
- 7.4 Whilst, in the opinion of the objector, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

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

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

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

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

9.0 **CONCLUSION**

9.1 Overall it is considered that whilst it is accepted there will be a degree of harm / impact upon the historic fabric of the building as a result of the development proposals the level of harm is outweighed against other material considerations. Given the works would affect a small part of the interior of the listed building which makes up a proportion of the significance of the heritage asset, it is

considered that the proposal would equate to less than substantial harm. The proposals promote a feasible solution to the redevelopment of a key heritage asset within the town centre which has in recent years fallen vacant and has been a target of anti-social behaviour and unauthorised occupation. In this instance it is considered that there is sufficient justification in accordance with the NPPF to accept that the identified harm / impacts upon the fabric of the asset will be outweighed by the benefits of supporting a scheme of redevelopment which brings the building back into use. Where there are outstanding issues of detail it is considered that these matters can be dealt with by appropriate planning conditions and overall the requirements of policies CS2, CS18 and CS19 of the Core Strategy and wider NPPF are met.

9.2 It is considered that the proposed development is able to demonstrate its compliance with policies CS1, CS2, CS3 and CS4 of the Core Strategy in so far as its ability to provide connection to social, economic and environmental infrastructure such that the development meets the definitions of sustainable development.

9.3 The application submission is supported by the preparation of assessment and reports which illustrates the proposed developments ability to comply with the provisions of policies CS7, CS8, CS18, CS19 and CS20 of the Core Strategy and where necessary it is considered that any outstanding issues can be mitigated and addressed in any subsequent reserved matters submission or any appropriate planning conditions being imposed.

10.0 **RECOMMENDATION**

10.1 **CHE/17/00798/FUL**

10.1.1 It is therefore recommended that the application be GRANTED subject to the following:

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.
- OS Plan – 2798 001
 - Proposed Site Layout – 2798 102 Rev A
 - Proposed Plans and Elevations 2798 206 (Plans superseded by 207, 208 and 209)
 - Proposed GF Plan – 2798 207
 - Proposed FF Plan – 2798 208
 - Proposed SF Plan – 2798 209
 - Design & Access Statement Oct 2017 Rev A
 - Heritage Statement by Phillip Heath – received 27 January 2018
 - Fire Strategy Rev A by Omega Fire – dated 03 April 2018

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

03. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason - To ensure that the development is appropriately drained and no surface water discharges take place until proper provision has been made for its disposal.

04. Prior to commencement of development, a Written Scheme of Investigation (WSI) and Development Methodology (DM) detailing all the works proposed that affect the historic fabric of the building, shall be submitted to the Local Planning Authority for approval.

The WSI and DM shall fully detail:

- the extent of rosewood/quartz panel removal

- materials and design of any proposed new windows
- details of the remedial works showing any downstands and nibs to be retained where walls are to be removed
- details of the remedial works to the floor and ceilings of the courtrooms
- section drawings showing proposed internal ceiling treatments
- section drawings showing how/where new floors are to be fixed to internal walls

Only those details which receive approval in writing by the Local Planning Authority shall be implemented on site in collaboration with the Council's Conservation Officer.

Reason - In the interests of safeguarding the special character and appearance of the listed building in line with policy CS19 of the Chesterfield Borough Local Plan Core Strategy 2011-31

05. The memorial plaque celebrating the opening of the building adjacent to the ground floor east entrance to the building shall only be removed alongside the scheme of works agreed under condition 04 above and the plaque shall be relocated to an agreed location on the ground floor of the building in a communal area. Thereafter the plaque shall be retained in the agreed location in perpetuity.

Reason - In the interests of safeguarding the special character and appearance of the listed building in line with policy CS19 of the Chesterfield Borough Local Plan Core Strategy 2011-31

06. 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.

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

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.

08. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of a soft landscaping scheme for the approved development shall be submitted to the Local Planning Authority for consideration.

The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.

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

09. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard 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 building.

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. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008.
04. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.
Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

10.2 CHE/17/00799/LBC

10.2.1 It is therefore recommended that the application be GRANTED subject to the following:

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.

- OS Plan – 2798 001
- Proposed Site Layout – 2798 102 Rev A
- Proposed Plans and Elevations 2798 206 (Plans superseded by 207, 208 and 209)
- Proposed GF Plan – 2798 207
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Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

03. Prior to commencement of development, a Written Scheme of Investigation (WSI) and Development Methodology (DM) detailing all the works proposed that affect the historic fabric of the building, shall be submitted to the Local Planning Authority for approval.

The WSI and DM shall fully detail:

- the extent of rosewood/quartz panel removal
- materials and design of any proposed new windows
- details of the remedial works showing any downstands and nibs to be retained where walls are to be removed
- details of the remedial works to the floor and ceilings of the courtrooms

- section drawings showing proposed internal ceiling treatments
- section drawings showing how/where new floors are to be fixed to internal walls

Only those details which receive approval in writing by the Local Planning Authority shall be implemented on site in collaboration with the Council's Conservation Officer.

Reason - In the interests of safeguarding the special character and appearance of the listed building in line with policy CS19 of the Chesterfield Borough Local Plan Core Strategy 2011-31

04. The memorial plaque celebrating the opening of the building adjacent to the ground floor east entrance to the building shall only be removed alongside the scheme of works agreed under condition 04 above and the plaque shall be relocated to an agreed location on the ground floor of the building in a communal area. Thereafter the plaque shall be retained in the agreed location in perpetuity.

Reason - In the interests of safeguarding the special character and appearance of the listed building in line with policy CS19 of the Chesterfield Borough Local Plan Core Strategy 2011-31

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

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.

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.