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Ctte Date: 28<sup>th</sup> August 2018

File No: CHE/18/00411/FUL  
Plot No: 2/2011

## ITEM 2

### PROPOSED ARTIFICIAL TURF PITCH AND ASSOCIATED LANDSCAPING, BOUNDARY TREATMENTS, FOOTPATHS, FENCING AND LIGHTING ON THE SITE OF THE FORMER LEISURE CENTRE WITHIN QUEENS PARK (REVISED PLANS RECEIVED ON THE 03/08/2018 AND 07/08/2018) AT FORMER QUEENS PARK SPORTS CENTRE, BOYTHORPE ROAD, BOYTHORPE, CHESTERFIELD, DERBYSHIRE FOR CHESTERFIELD BOROUGH COUNCIL

Local Plan: Existing Parks & Open Spaces  
Ward: St Leonards

#### 1.0 CONSULTATIONS

<b>Local Highways Authority</b>	Comments received 07/08/2018 – see report
<b>Strategic Planning Team</b>	Comments received 23/07/2018 and 06/08/2018 – see report
<b>Environmental Services</b>	Comments received 13/07/2018 and 13/08/2018 – see report
<b>Design Services</b>	Comments received 10/07/2018 – see report
<b>Leisure Services</b>	No comments received
<b>Yorkshire Water Services</b>	Comments received 27/06/20/18 – no objections
<b>Derbyshire Constabulary</b>	Comments received 04/07/2018 – see report
<b>Lead Local Flood Authority</b>	Comments received 04/07/2018 and 10/08/2018 – refer to standing advice
<b>Chesterfield Civic Society</b>	No comments received
<b>Chesterfield Cycle Campaign</b>	Comments received 06/08/2018 – see report
<b>Coal Authority</b>	Comments received 16/07/2018 – see report
<b>Tree Officer</b>	Comments received 15/08/2018 – see report

<b>Conservation Officer</b>	Comments received 24/07/2018 – see report
<b>Derbyshire Wildlife Trust</b>	Comments received 16/07/2018 – see report
<b>Derbyshire Archaeologist</b>	No comments received
<b>Historic England</b>	Comments received 13/07/2018 and 09/08/2018 – see report
<b>Sport England</b>	Comments received 04/07/2018, 20/07/2018 and 07/08/2018 – see report
<b>Friends of Queens Park</b>	No comments received
<b>The Gardens Trust</b>	No comments received
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	One letter of representation received

## 2.0 **THE SITE**

- 2.1 The site of the application is that of the former Queens Park Sports Centre, which was demolished in 2017. It shares a boundary / frontage to both Boythorpe Road and Queens Park, with the existing public car parks (council owned) situated to the north and south.
- 2.2 The site area measures 0.79ha in area and is currently enclosed with a temporary metal fencing / hoarding which was erected following the demolition of the previous centre. The site was left, post demolition, covered in a surface of crushed materials.





### 3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/16/00805/DOC – Discharge of condition 3 of CHE/16/00399/FUL. Approved on 04/01/2017.
- 3.2 CHE/16/00399/FUL and CHE/16/00400/DEM - application giving prior notification of the proposed demolition of the former queens park sports centre (under schedule 2 part 11 of the 2015 GPDO); and subsequent application seeking full planning permission for the demolition of the former queens park sports centre and implementation of a new landscaping proposal. Prior approval refused; but planning permission approved on 31/08/2016.
- 3.3 CHE/09/00218/FUL - Installation of new air handling plant including 3 vent grilles and a pair of doors in the external walls (facing the north side car park). Approved on 01/06/2009.
- 3.4 CHE/05/00170/FUL - Refurbishment of male wetside changing room, revised plans received 25th April 2005. Approved 03/05/2005.
- 3.5 CHE/1184/0711 - Permission for alterations and extensions to swimming pool to form sports centre with car parking and all weather pitch and temporary provision of entrance foyer and offices. Approved on 22/02/1985.
- 3.6 CHE/0503/0378 - Photovoltaic glazing and roof panels to existing building. Approved 11/07/2003.

## 4.0 **THE PROPOSAL**

4.1 The application submitted seeks full planning permission for the proposed erection of an artificial turf pitch and associated landscaping, boundary treatments, footpaths, fencing and lighting on the site of the former leisure centre within Queens Park.

4.2 As detailed in the original application submission the development proposals comprise of the following components:

1. 7x7 3G Artificial Turf Pitch, 61m x 43m (to edge of run-offs, excluding goal recesses) to FA requirements – green coloured carpet with painted markings.
2. Spectator area (width reduced to 1.72-3.72m wide to maximise planting opportunities).
3. Possible small secure store within spectator area.
4. 4.5m high fence to perimeter of pitch (around outline of pitch and goal recesses (note –no reduced height fence to spectator area)).
5. Two escape gates – grass area kept clear of planting and trees for access.
6. Existing sub-station to be demolished and existing/new electricity cabling to be routed to new sub-station and CBC cabinet at location 20.
7. Location for possible future support building (office and store approximately 4x4m).
8. Hardstanding outside secure sports pitch entrance. Entrance and fences to reflect the height of boundary wall, with this to be determined to provide suitable security measures.
9. Existing public footway widened to provide new pedestrian entrance to Park and sports pitch.  
New wall constructed as a facing brick and railing wall with stone piers to reflect the original entrance feature, with new lockable park gates bearing the historic Chesterfield crest to match those existing. Two existing trees will need to be felled to allow for the new entrance to be created.

10. Low wall and railings constructed along Boythorpe Road boundary, together with shrub and tree planting. The new boundary treatment will tie in with the existing to provide public footpath access to the car park.
11. New footpath connecting Boythorpe Road to the Park, aligned with the existing bandstand and connecting to existing Park footpath. The surrounding landscaped area will reflect the original Park design with trees, ornamental shrub planting and grassland.
12. Listed gate piers to be refurbished and connected to the new boundary wall and railings.
13. Existing landscape framework of mature trees and hedgerows to be supplemented with new planting to provide an attractive setting for the ATP.
14. Proposed trees to enhance the footpath boundary and provide screening, as well as ornamental shrub planting and grassland to the original Park design.
15. Shrub/hedge/tree planting to soften and screen the appearance of pitch from within the Park (existing planter to be demolished).
16. New boundary wall and railings to tie in to existing wall (exact location to be confirmed).
17. Existing public footway re-aligned to remove redundant lay-by, so providing a straight footpath and boundary wall.
18. Existing raised planters demolished, and existing tree felled.
19. Maintenance access to sports pitch from existing car park.
20. Proposed new sub-station and CBC cabinet with 24-hour access from northern car park.
21. Open landscape area to recreate the original intention of Queen's Park, with shrub and tree planting.

### 4.3

In response to consultee comments received during the application process, amendments were made to the scheme proposed as follows:

- A. The layby and associated pavement widening on the Boythorpe Road frontage is retained, with a section of retaining wall required to overcome the level difference between the highway and the pitch – at this point the pitch fence will be immediately adjacent to the proposed wall and railing.
- B. the goal recess for the southern 5-a-side pitch has been relocated slightly further north and so is not immediately behind the in-play position.
- C. the spectator area is relocated to the northern end of the strip between the pitch and the Boythorpe Road footway, with a new entrance to this area at its northern end – part of this spectator zone will provide secure storage.
- D. the access road and pathway at the north end of the pitch are rearranged in order to provide both pedestrian (including accessible) and vehicular access to the appropriate pitch entrances – the precise alignment of the paths may need to be altered following further site investigation and reconsideration of levels.
- E. provision is made for three 'Sheffield-type' bicycle racks on a hard-paved area immediately adjacent to the pedestrian entrance to the spectator zone – in this location they can be easily reached from the nearby cycle route.
- F. the vehicular access to the north car park from Boythorpe Road is amended to ensure the safety of people using both the ATP and the adjoining entrance to the Park (subject to further detailed design).
- G. the new substation is relocated to the east of the vehicular access route, suitably screened with appropriate planting.
- H. at the southern end of the pitch, the 'dog-leg' access path formerly required to access the spectator area is removed.

- I. the new path from Boythorpe Road to the principal Park pathway is realigned to a more east-west route, starting from alongside the existing pedestrian refuge in Boythorpe Road and providing 'desire line' links to the orbital path – this requires relocation and rearrangement of the new gates.
- J. a tarmac path is located along the south side of the pitch fencing with a link onto the main park path (subject to levels) – the grass slope here provides an informal viewing area.
- K. the landscaping scheme is adjusted to suit the new layout.



4.4 As amended the application submission is supported by the following plans / documents:

- Topographical Survey
- Site Location Plan - 12321-DB3-S01-ZZ-DR-A-90001
- Existing Site Plan - 12321-DB3-S01-ZZ-DR-A-90002
- Existing Site Sections - 12321-DB3-S01-ZZ-DR-A-90003
- Existing Site Elevations - 12321-DB3-S01-ZZ-DR-A-90004
- Illustrative Sections and Elevations - 122564-PG-8003

- Illustrative Sections and Elevations - 122564-PG-8004
- Details Sheet 1 - 12321-DB3-S01-ZZ-DR-A-20102
- Details Sheet 2 - 12321-DB3-S01-ZZ-DR-A-20103
- Proposed Site Sections - 12321-DB3-S01-ZZ-DR-A-90105
- Proposed Site Elevations - 12321-DB3-S01-ZZ-DR-A-90106
- Proposed Elevations - 12321-DB3-S01-ZZ-DR-A-90107
- Proposed Site Plan - 12321-DB3-S01-ZZ-DR-A-90101 P3
- Proposed Pitch Setting Out – 12321-DB3-S01-ZZ-DR-A-20101 P2
- Landscape Proposals Plan – 122564-PG-8002 Rev B
- Lighting Plan – UKS16068-2 and Lighting Details
  
- Design and Access Statement
- Flood Risk and Drainage Strategy
- Geo-Environmental Desk Study
- Heritage Statement
- Extended Phase I Report
- Arboricultural Implications Assessment and Tree Survey Report
- Supplementary Statement to accompany Revisions (Aug 2018)

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

5.1.1 The site the subject of the application lies within Queens Park in St Leonards ward, which is an allocated Existing Park and Open Space as defined in the Chesterfield Local Plan: Core Strategy 2011 – 2031. Queens Park is also a Grade II\* Listed Park and Garden and Conservation Area.

5.1.2 Having regard to the nature of the application proposals and the site allocations set out above policies CS1, CS2, CS3, CS4, CS6, CS7, CS8, CS9, CS13, CS14, CS17, CS18, CS19 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and wider National Planning Policy Framework (July 2018) and Planning Practice Guidance apply.

### 5.2 **Principle of Development**

5.2.1 The proposal is for the Borough Council on land within its ownership for a new sports facility. It would be for a 'third



generation' artificial grass pitch (3G AGP), for sports use. The pitch would be of a size suitable for adult training (primarily football) and for formal football matches for under 10s) and would consist of markings showing one larger pitch and two smaller pitches. The use of the open space would be by reservation only and so would not serve as open space for informal public use. The site is within an area identified as public open space in the Core Strategy 2011-2031 and also within flood risk zone 2 on the EA's most recent flood risk mapping. The site is also within a Conservation Area and a Grade II\* Historic Park and Garden, there also being listed buildings adjacent and nearby.

#### Local Plan Spatial Strategy

- 5.2.2 Whilst the Council's Playing Pitch and Outdoor Sports Strategy (2014), is in need of an update (and is currently being undertaken), it is still reasonable to assume that the latent demand for an artificial pitch(s) still exists. This is the latest information available on which a decision can be based. The proposed use should, by meeting some of the identified sports need in the Borough, enable a more active population within the Borough with consequent health and well-being benefits.
- 5.2.3 The location of the site fits well with the spatial strategy in the Core Strategy, being central and accessible by alternative modes of transport to the car and also within walking distance of the Town Centre (Core Strategy policies CS1 and CS2). Whilst part of the site is within flood risk zone 2 (river/fluvial) the proposed use would be compatible with the level and type of flood risk identified, as required by Core Strategy policy CS7 and the NPPF.
- 5.2.4 The proposal is on the demolition site of the former Queens Park Sports Centre building (its facilities now replaced to a degree by a new centre nearby) and is in a location where a variety of open spaces types are present (play, amenity, sports and to a lesser degree semi-natural open space). Currently there is insufficient evidence that there are any other competing open space needs for the site (in terms of quantity). Hence the proposal arguably would not lead to a loss of an opportunity to meet other competing open space needs. As such the proposal would not conflict with Core Strategy policy CS9 or the elements of the NPPF relating to healthy communities and open spaces.

### National Planning Policy Framework

- 5.2.5 The proposal would address some of the identified need for artificial sports pitches in the Borough, that need being a key issue identified in the Council's Playing Pitch and Outdoor Sports Strategy (2014). As such it would lead to an improvement in sports provision within the Borough and can provide the opportunity for a more active population and other community/cultural benefits of organised sports especially those involving children given the size of pitches proposed. In these respects the proposal meets elements of the NPPF in relation to healthy communities and also to a lesser degree indirectly would contribute positively to the local economy.

### Infrastructure and Planning Obligations

- 5.2.6 Existing infrastructure with the exception of cycling provision should be adequate and there is no CIL requirement. Given that the proposal would cater for a Borough wide catchment (and potentially beyond) it should in particular demonstrate how it would meet the requirements of policy CS20, bearing in mind its location near the Hipper Valley Trail.

### Conclusions

- 5.2.7 At face value the proposal would enhance sports provision in the Borough and meet a need for facilities, with benefits primarily to communities health, well-being and to a lesser degree safety and economy.

## 5.3 Open Space, Play Provision and Sports Facilities

- 5.3.1 Under the provisions of policy CS9 of the Core Strategy where a need is identified, development must contribute to sports and play provision and in this particular case the Council's latest Pitch and Sports Strategy identified a need for artificial pitches within the Borough.

- 5.3.2 As a site designated as an existing park, which proposes a new playing pitch, **Sport England** (SE) were consulted on the application submission and provided the following comments:

*The proposal would involve the construction of an enclosed and floodlit 7 v 7 61 metre x 43 metre (including run-offs) third generation '3G' artificial grass pitch (AGP) on the site of the former Queen's Park Leisure Centre. There are no toilet or changing*

*facilities included in the scheme, or detailed proposals for storage provision.*

*Sport England provided comments on previous draft proposals in 2016, when the 'preferred option' for the site at that time incorporated two 3G AGPs, and potentially a small changing/refreshment pavilion. Given the physical constraints of the site, it was recognised at that time that it would not be possible to accommodate a full sized adult pitch within the available space.*

*As referenced in Sport England's comments back in 2016, the Council adopted a Sports Strategy in early 2015 which included recommendations in respect of artificial pitch provision within the Borough of Chesterfield. A key recommendation was to seek to develop a new 3G pitch as a focus for football. The rationale for this was that there was only one full sized 3G pitch in the Borough along with a second smaller facility.*

*The evidence gathered to inform the Strategy highlighted shortages of 3G AGPs as being a concern, and it was identified that some clubs were travelling outside the Borough to use facilities. Existing facilities were noted to be operating at capacity midweek. The lack of 3G pitches also meant that there was minimal scope to use 3G pitches as an alternative to natural turf pitches for competitive fixtures. Overall, demand for additional AGPs (particularly 3G) was one of the main issues emerging through the consultation and a particular geographical deficit for AGP provision was identified in the eastern part of the Borough.*

*Within the Strategy, one of the actions emanating from this was to explore the potential of developing a 3G pitch on the old Queen's Park Sports Centre site (the current application site), with a view also to enabling more flexible programming of the sports hall within the new facility and increasing capacity by moving some football use outdoors.*

*In principle, the current proposal therefore accords with the adopted Strategy, although it should be noted that the Strategy is now over 3 years old and therefore requires review and potential updating to reflect current circumstances. In addition, because the proposal is for a 7 v 7 pitch, rather than a full sized adult pitch, it would only have the potential to partially address the identified*

*deficiency in 3G capacity and would only be able to host formal match play up to under 9 / under 10 age groups.*

*Having reviewed the documents submitted in support of the application, it is noted that further stakeholder consultation on the proposals for the site was carried out in 2017, and whilst the reported feedback from this was generally positive in terms of the need for the facility, in line with the above assessment it was highlighted by the Football Focus Group that although the pitch would serve a training purpose, it would be limited in terms of its use for matches due to its constrained dimensions.*

*Prior to preparing this response, Sport England has sought the views of relevant National Governing Bodies of Sport (NGBs). In reply, the Football Foundation (on behalf of the Football Association (FA)) has commented:*

- The Playing Pitch Strategy (PPS) completed in 2014 indicated a shortfall of one AGP, although neither Derbyshire FA or the Football Foundation are aware that any refresh of the PPS has been undertaken since;*
- The local area benefits from strong grassroots club structures with many providing youth to adult football provision. Demand for additional access to 3G pitches was highlighted as a key issue in the PPS. The PPS detailed a shortfall of 3G provision and that consideration should be given to one additional pitch at Queen's Park Sports Centre or Netherthorpe School and a key action was for consultation to take place around these two potential sites;*
- The Council completed some consultation in 2016 around Queen's Park Sports Centre. The Council were considering building a new full-sized 3G pitch on this site but feasibility concluded that a full-sized pitch could not be accommodated;*
- Following dialogue with Derbyshire FA, the Football Foundation are unaware of any consultation around the alternative site at Netherthorpe School;*
- Will changing and toilet facilities be provided at the site;*

- *The size of the proposed AGP meets the FA recommended size for 7 v 7 football. In respect of the design and construction, generally the AGP design appears to be in line with the FA's recommendations but it should be checked against The FA Guide to Football Turf Pitch Design Principles and Layouts. The applicant should also note the following detailed points:*
- *Construction Quality - The pitch should be constructed to FIFA Quality Concept for Football Turf – FIFA Quality (old FIFA 1\*) accreditation or equivalent International Match Standards (IMS) as a minimum.*
- *Testing - The AGP should be tested and subsequently FA registered (on completion and then every three years for grassroots football and every 1 year for football in the National League System). This will enable the AGP to be used for league matches and therefore help the AGP to be used to its maximum potential by programming matches at peak times;*
- *Pricing - Pricing policies must be affordable for grassroots football and should be agreed with the local County Football Association. This should include match-rate at weekends equivalent to the Local Authorities price for natural turf pitches;*
- *Sinking Fund - Ensure that a sinking fund (formed by periodically setting aside money over time to cover the resurface and replacement life-cycle costs) is in place to maintain AGP quality in the long term;*
- *Line marking – The Football Foundation recommends that over-markings are made to allow different formats of football (e.g. 5v5, 7v7, 9v9 and 11v11). Over-marking should adhere to The FA Guide to Football Turf Pitch Design Principles and Layouts;*
- *Recessed Fencing - The FA recommends that the fencing is recessed to allow for safe and easy goal storage;*
- *Fence Height - The FA recommends the fence height on all sides of a 3G AGP is 4.5 m;*
- *Run-off - A minimum safety run off of 3 m should be provided.*

*Views on the scheme have also been received from the Rugby Football Union (RFU), which advised that there are identified shortfalls of rugby union capacity close to this site and access to an AGP may help to address these, particularly in terms of midweek training requirements. However, the AGP dimensions would restrict any Rugby Union activity to simply training or for Mini Rugby, and as the AGP would not appear to be constructed to World Rugby Regulation 22, it cannot be confirmed as an appropriate surface for Rugby Union.*

*Taking into account the above, on balance Sport England considers that although the proposal would not deliver additional full sized adult AGP capacity, it would help to address some of the identified need for AGP provision in the Borough and therefore deliver benefits to sport.*

*However, whilst Sport England recognises the site constraints within which the scheme has been framed, in addition to the restricted size of the facility the absence of on-site toilet provision is also considered likely to inhibit the operational effectiveness of the facility to some extent and therefore the overall level of sports benefits achieved. It is therefore recommended that arrangements for toilets and also potentially changing accommodation, is given further consideration, noting that in earlier draft proposals a small changing/refreshment pavilion was referenced.*

*Finally, it is noted that there are residential properties in the vicinity of the proposal and as highlighted in pre-application comments, Sport England published guidance on the acoustic implications of AGPS in 2015, which you may find of assistance in assessing the proposal (available via the following link: <http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/artificial-sports-surfaces/> ).*

*Assessment of noise is clearly a matter for the Local Authority, and Sport England is not seeking to suggest a need for any restrictions on use. Nevertheless, it is important to have an understanding of the scope and hours of use that could be delivered as this would be linked to the viability and sustainability of the facility.*

*In conclusion, Sport England judges that the development would provide sports benefits in line with Sport England's 'Provide' objective. Sport England therefore offers its in principle support for*

*the application but recommends that consideration is given to the detailed points raised above in order to ensure that overall benefits to sport are maximised and the scheme is sustainable in the long term.*

*The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.*

- 5.3.3 In response to the comments made by SE above, it is understood that the new pitch will be managed from and by the existing Queens Park Sports Centre which is located south of the site on Boythorpe Road. Users of the facility will be able to use the changing and toilet/shower facilities provided at the Centre.
- 5.3.4 Given the limitations of the site and the need to balance the impacts of the development upon the listed park adjacent, a decision was taken to minimise the extent of built development to allow for elements of the park to be restored. This has meant that ancillary buildings providing such facilities were deemed inappropriate and on balance the use of such facilities at the adjacent Centre were considered an acceptable compromise.
- 5.3.5 Overall, despite the limitations highlighted by SE above, it is considered that the facility will provide sports benefits, which will address an identified need / deficiency for the Borough. Having regard to the principles of policy CS9 of the Core Strategy, the wider NPPF and objectives of SP the development proposals are considered to be acceptable.

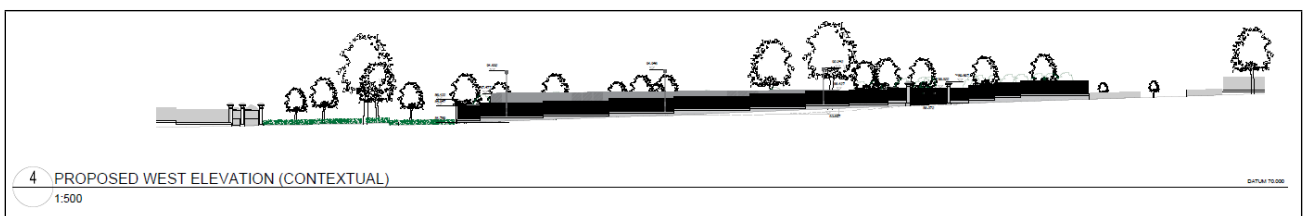
#### 5.4 **Design and Appearance Considerations (inc. Neighbouring Amenity)**

- 5.4.1 The site the subject of the application fronts onto Boythorpe Road, occupying a prominent location on a busy classified road on the edge of the Town Centre. Views of the site are available from within the Queens Park itself, which is a listed park and garden with conservation area status.

5.4.2 In terms of design and appearance considerations the demolition of the former Centre has opened up the park and setting to Boythorpe Road, where previously it provided enclosure / segregation. This has provided an opportunity to re-consider the relationship of the western edge of Queens Park to Boythorpe Road.

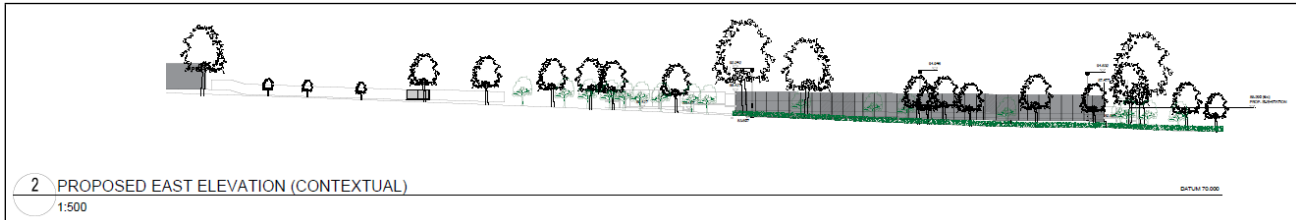
5.4.3 In place of the former buildings of the Centre new enclosure fencing to the artificial pitch, flood lighting columns and a new boundary wall and railing will be created which will redefine the streetscene character of Boythorpe Road and from within Queens Park.

View from Boythorpe Road



View from Queens Park





- 5.4.4 The opportunity to create a new boundary definition to the Boythorpe Road frontage is welcomed, as this will assist to redefine the extent of Queens Park. Boundary walls and railings are shown to match others around the park and which are appropriate. Extension of the parks boundary treatment as described will ensure the park can continue to be secured out of hours to discourage anti-social behaviour.
- 5.4.5 The new pitch facility is to be formed behind the new boundary wall to Boythorpe Road and whilst operationally it will be secured and with key-pad accessible only, it will also require a higher fence enclosure (to contain balls) and flooding lighting columns (to allow evening, winter use). The visual impacts of these features are not considered to be unacceptable in the context.
- 5.4.6 In respect of the design and proposals, the **Crime Prevention and Design Advisor** (CPDA) reviewed the application submission and offered the following advice:

*There are no objections to the proposal of siting an artificially surfaced and fenced games area at this location.*

*The detail submitted with the application is appropriate to the context.*

*In respect of community safety and crime matters there are some details yet to be determined, an extension to the existing CCTV coverage and access control provision for the enclosure for*

*example. (parts 4.9.7 and 4.9.8 of the supporting design and access statement)*

*In respect of CCTV I would recommend an additional camera placed at the northern end of the site, probably to the edge of the retained smaller section of Queens Park North car park.*

*The existing cameras sited at the south eastern corner of the development site and north eastern corner of Queens Park North car park do not provide adequate cover of either the northern section of the proposal site, nor large sections of the existing Queens Park North car park.*

*A more centrally located speed dome or PTZ camera would resolve this omission.*

*Access control of a similar form to the existing provision on the smaller MUGA to the south, i.e. magnetic locks with pin pad release for day to day access, and padlocking on closure to the public, would be acceptable.*

*It would also be assumed that boundaries forming the final periphery of the site enable the continued securing of the park at public closing times.*

- 5.4.6 Beyond the new pitch itself the area surrounding will be carefully re-landscaped with a design complimentary and sympathetic to Barron's former design of the historic park (see Heritage section below). Over time new soft landscaping will establish to soften the visual impacts of the scheme further. Ongoing management and maintenance of the facility and surrounding landscaping will ensure and landscaping is complementary to operational requirements of the park (CCTV coverage etc).
- 5.4.7 Having regard to amenity impacts there are residential properties located on the opposite side of Boythorpe Road that will potentially be impacted upon by the development proposals. In this respect the **Environmental Services** (ES) team were invited to comment on the application submission and the following comments were received:

*I have inspected the above application and have concerns regarding floodlighting and noise in relation to the housing directly across the road.*

*The floodlighting has been modelled to cause illumination of the facades of Park Studios and 13/15 Boythorpe Road. I request that there should be some means of shielding/shrouding to minimise this.*

*The orientation of the pitches makes it very likely that there will be noise from football striking the fence around the pitches (missed shots on goal etc), and I am concerned that we have had to close such pitches, where they have be located close to dwellings for precisely this reason. I ask that some means of control be devised to minimise the disturbance from balls striking the fence.*

- 5.4.8 In respect of the comments made above it will be appropriate to require that the floodlighting is shrouded to ensure that overspill and glare from the floodlights do not adversely impact upon the facing neighbouring properties. It is suggested that appropriate conditions could be imposed to positively address the concerns of the EHO without refusing planning permission.
- 5.4.9 Having regard to the issue highlighted by the EHO concerning balls striking the facility fencing and causing noise nuisance, the choice of an appropriate fencing material and support posts would mitigate this impact and whilst this detail is not provided in the application submission it is possible to condition the final material and finish of the facility fencing to ensure it is of an appropriate design. This is more often achieved through the use of plastic fittings, instead of traditional metals ones.
- 5.4.10 Overall it is considered that the design and appearance of the development proposals are acceptable having regard to the provisions of policies CS2 and CS18 of the Core Strategy.

## 5.5 **Heritage Impact**

- 5.5.1 Queens Park is a grade II\* listed Historic Park & Garden and conservation area, hence it is a significant heritage asset. The Park was opened in 1893 and designed by William Barron & Sons, respected park designers of the Victorian era. Notwithstanding some changes over the years, Queens Park has retained much of

its original layout and character. In addition to the grade II\* listing of the Park itself, the Park's bandstand (1), conservatory (2) and entrance gates, piers and railings (3) are separate grade II listed buildings.

- 5.5.2 Having regard to the series of designated heritage assets potentially affected by the development proposals, the application submission was supported by a Heritage Statement (prepared by Darnton B3 Architecture) and consultations were also sent to the statutory national bodies / organisations for development affecting a historic grade II\* listed Park & Garden and also local bodies / organisations who have expressed an interest in applications of such a nature.
- 5.5.3 As a result of the application publicity comments were received from **Historic England** (HE) and the Council's own **Conservation Officer** (CO). No comments were received from the Gardens Trust, local Civic Society or Friends of Queens Park group. Both HE and the CO were also involved in pre-application discussions prior to the applications formal submission.
- 5.5.4 Looking in turn at each response received, Historic England's comments (which were reiterated when re-consultation took place) were made as follows:

Significance

*Queen's Park is included on Historic England's Register of Parks and Gardens of Special Historic Interest at Grade II\* - denoting particular importance of more than special interest. When first registered in 2000 the park was designated at Grade II. Its recent upgrade to II\* is because of the largely unchanged layout of c.1887, the retention of some listed 19th century structures and fine, mature planting, which all contribute to its national significance. The park was designed by William Barron & Sons, one of the principal landscape designers of the mid 19th century and promoter of public parks. The park is located within the Queens Park Conservation Area.*

Impact

*We have previously provided advice regarding potential uses for the site in our letters of 11th December 2013, 11th January 2016, 2nd July 2016 and 13th September 2016 and attended a meeting on the 27th September 2017. In our previous advice we highlighted*

*that the demolition of the existing leisure centre provided an opportunity to reveal/restore this part of the registered park, and that a sensitively designed scheme would provide an opportunity to better reveal the significance of this important highly graded park and garden as outlined in paragraph 137 of the NPPF as well as enhance the character and appearance of the conservation area. We advised that we would be supportive of such an approach. We also urged the Borough Council to consider both the restoration of this part of the registered park and a wider scheme beyond that of the current site to include other structures within the park. In particular the listed gate piers on the Boythorpe Road side are divorced in a parking area and it would be desirable to re-intergrate them within the park and undertake conservation/repair works, as they are currently in a poor state of repair.*

*The current proposal is for an artificial turf pitch and associated landscaping, boundary treatments, footpaths, fencing and lighting. As advised at the pre-application stage, the installation of an all-weather pitch, which would include the installation of mesh fencing and associated lighting would have an adverse visual impact in relation to both the PAG and the conservation area, and would be harmful to their overall significance. This harm is acknowledged within the supporting Heritage Statement as less than substantial, we agree that the level of harm would be less than substantial, requiring clear and convincing justification.*

*The accompanying Design and Access statement sets out the various options the Borough Council has considered in developing its proposals on the site of the former leisure centre. Other options for siting all weather pitches have been considered within the annexe and are considered to be impractical. Other layout options have also been considered. As part of the mitigation in relation to the current scheme, the proposal is to restore and reinstate the boundary treatment to Boythorpe Road, providing a brick wall with a stone coping and railings to match the original. It is also proposed to provide a pedestrian gate to provide access to the park to match the existing.*

*Whilst restoring this area of the park back to Barron's original design intention would be our preferred option, we consider that the proposed re-instatement of the boundary treatment and planting scheme would reduce the impact of the proposed development on both the PAG and Conservation Area and could*

*provide a significant enhancement to this area. The proposed wall and railings would provide a better sense of enclosure along Boythorpe Road, and enhance both the character and appearance of this important PAG, as would an appropriate scheme of planting. However, this would be dependent on the detailed design of the proposed boundary treatment and an appropriate planting scheme. The current drawings do not indicate the design of the gates and railings in sufficient detail.*

*In particular the planting scheme would need to reflect the character of Barron's original design intention, with a scheme of appropriate planting informed by the historical research and the remaining planting from the original design. In relation to the proposed boundary treatment we note that there is an area outside the red line boundary to the south where the current car-park is located. This is currently bounded by low hoop style fencing. We would strongly encourage the Borough Council to extend the proposed boundary treatment to the area, to give a consistent approach. We advise that you seek further advice from your in-house conservation officer.*

### *Policy*

*As the proposal affects the setting of listed buildings and the conservation area, the statutory requirement to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must be taken into account by your authority when determining this application.*

*The importance attached to significance with respect to heritage assets is recognised by the Government's National Planning Policy Framework (NPPF) and in guidance, including The Planning Practice Guidance. The NPPF defines significance as 'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.*

*The determining authority should aim to achieve the objective of sustainable development which in this context means guiding development towards a solution that achieves economic, social*

*and environmental gains jointly and simultaneously (paragraph 8, NPPF).*

*The importance attached to setting is recognised by the principal Act, by the NPPF, by the accompanying practice guide and in the sector wide Historic Environment guidance.*

*In determining this planning application, the determining body should take account of the desirability of sustaining and enhancing the significance of heritage assets [paragraph 131]. When considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to its conservation and the more important the asset, the greater the weight should be [paragraph 132]. No higher sense of importance is described in the NPPF.*

*Where the harm is judged to be less than substantial, harm should be weighed against the public benefit of the proposal [paragraph 134]. Your authority would therefore need to be satisfied the harm caused to the significance of the conservation area and PAG is outweighed by the public benefits including the reinstatement on the boundary and an appropriate planting scheme.*

#### *Recommendation*

*Historic England has no objection to the application on heritage grounds, subject to the detailed design, in particular the design of the proposed boundary treatment and specification of an appropriate planting scheme to reflect Barron's original design intention in relation to the character of this important PAG.*

*In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.*

#### 5.5.5

Since the receipt of the comments from HE above, the National Planning Policy Framework was revised (24 July 2018) and therefore the paragraph references contained therein have been

superseded. Notwithstanding this fact, the principles set in national planning policy and the protection / assessment of designated heritage assets were not significantly changed by the revisions. The policy was if anything strengthened to provide greater clarity in protection and assessment of impact.

5.5.6 Having regard to the comments made by HE, it is clear that they have undertaken a thorough assessment of the impacts of the development proposals and whilst HE acknowledge that they would have favoured a scheme which restored the PAG to the original Baron design; they offer an opinion and judgement which is pragmatic to the approach and direction of the applicant. HE express a desire to see further detailed designs of both the boundary wall / gate proposals and soft landscaping to ensure that these are given an appropriate finish and harmonise with the principles of Baron's original design. Appropriate planning conditions can be imposed on any permission granted to require these details to be developed further and agreed prior to their implementation (before the development is brought into first use / or in the first planting season available).

5.5.7 In addition to the comments made by HE, the Council's own CO also provided the following response:

*'My view is that if the proposals are approved, then it should be on the basis that the new facility will blend in with Queens Park and its setting as much as possible. This will require careful attention to design, including any boundary treatments (i.e. fencing, gates and walls); related infrastructure (e.g. lighting); landscaping; and surfacing.*

*The applicant's Design & Access Statement (page 20) states that the design of the proposals would include the following:*

- Restoration of the Boythorpe Road boundary including the provision of walls, railings and a new pedestrian gate into the Park immediately to the north of the southern car park.*
- The pitch located on a flattened 'platform' which will see the playing surface below existing ground level at its southern end, so making the 'heavier-duty' lower portion of the fencing less visible from the Park.*
- Fencing and floodlighting designed to be as unobtrusive as possible, utilising dark colours and appropriate mesh sizes.*



*It also proposes restoration of the existing gate piers at the north-western corner of the park, but it seems this is a mistaken reference. It is the gate piers off Boythorpe Avenue that are grade II listed, not those facing Boythorpe Road.*

*The whole area around the new pitch would be comprehensively landscaped, utilising a mixture of trees, shrubs, bedding and lawns to blend it into the existing Park. This would include ornamental planting, trees and hedges within the internal layout of the Park as well as reinforced formal tree avenue planting along the internal circular path between the existing car park/boating lake and along the new access route. Tree planting would also be introduced along the Boythorpe Road frontage to the north and south of the pitch.*

*The applicant's Heritage Statement includes a Mitigation Strategy (p.18) which states how the visual impacts of the proposals are to be minimised and mitigated. This provides important and useful information about materials and colours for elements such as new fencing & fence posts/gates; lighting columns; retaining walls; footpaths; hard surfacing; handrails; boundary walls; and a proposed sub-station.*

*It's clear that the applicant has carefully considered how the new facilities can be designed to cause as little visual impact on the character and setting of the Park as possible. Consequently any impacts that might arise are likely to be less than substantial in my view. On that basis I would not object to what is being proposed, but this would be subject to conditions ensuring the following are submitted:*

- A detailed soft landscaping scheme (this should identify exact locations and types of planting being proposed with clear links to a layout plan)*
- A detailed hard landscaping scheme (this should identify exact location, size and material of the types of hard landscaping being proposed, including boundary treatments and lights, with clear links to a layout plan)*

*I would also recommend that consideration is given to how the proposed new boundary wall and entrance gates facing Boythorpe Road would be compatible in design terms with the existing green modern metal hooped car park fencing to the south. The new boundary wall of Boythorpe Road is an important element of the*

*proposed scheme because it will have significant visual impact. It would be regrettable if this new wall formed a visual relationship with the existing hooped fencing. I would recommend, if possible, that the Council replace the hooped fencing by extending the proposed boundary wall.'*

5.5.8 Having regard to the comments of the CO set out above, and those originally made by HE, it is considered that whilst there is a recognised impact upon the grade II\* PAG and other designated heritage assets resulting from the development proposals; the impact has been assessed (with the support of HE and the CO) and it is concluded that the level of harm identified is to be 'less than substantial'. There is recognition of there being potential for some enhancements to the heritage assets in the form of new boundary treatments and landscaping in mitigation of this harm. In supporting the development proposals and striking this balance it would contribute positively to local and national planning objectives and also to meeting priorities in the Council Plan 2017/18. In this instance, it is considered that the public benefits of the scheme outweigh the harm identified and therefore it is considered that the development proposals accord with the provisions of policy CS19 of the Core Strategy and wider 2018 NPPF.

## 5.6 **Highways Issues**

5.6.1 As part of the first round of publicity the application proposals were reviewed by the **Local Highways Authority** (LHA) and **Chesterfield Cycle Campaign** (CCC), who both provided observations on the scheme which generated a requirement for further consideration and review.

5.6.2 Initially the scheme detailed the proposed closure of the layby which is positioned on Boythorpe Road adjacent to the old entrance point to the former Leisure Centre to allow the proposed new boundary wall to the site to follow a continuous alignment along the frontage. However as part of initial discussions with the LHA it was confirmed that this layby was part of the adopted highway and therefore it would have required a formal 'stopping up' process to be followed to allow these works to take place. Albeit not an issue which prevented the development taking place, this would have delayed progress of the scheme and a further complication arose as a result of statutory undertakers' apparatus being identified as being located within the adopted highway (BT

cabinets) which would be affected by these works. Moving such apparatus could also create unnecessary delay / objection to a 'stopping up' process, which the applicant wished to avoid. Furthermore the CCC had raised concerns over the lack of cycle parking being provided as part of the scheme and the lack of thought / connection to the strategic cycle network.

5.6.3 As a result of receiving this initial feedback from the LHA and CCC, it was proposed that the development be amended and this resulted in the package of revised plans being received.

5.6.4 When re-consulted on the revisions, the CCC confirmed, '*We note the revised drawings for the sports pitches at Queen's Park and are pleased to see that cycle parking as close as possible to the Hipper Valley Trail is now included. The Cycle Campaign has no objection to the plans as shown on the revised plans dated 3rd August 2018.*'

5.6.5 The following comments were also then received from the LHA as follows:

*'I am now in receipt of the revised scheme for the above.*

***Publicly maintainable highway and highway rights - For clarification this Authority did not object to the earlier scheme which included the removal of the lay-by; it did however draw to your Authority's attention that it is considered to form part of the publicly maintainable highway and that its removal would therefore require formal stopping up. As part of that process any statutory undertakers' equipment would most likely need to be relocated at your Authority's expense as applicant.***

*Notwithstanding the plan showing the extent of the publicly maintainable highway supplied to your Authority, you will appreciate that there is a wide expanse of hard paving (referred to as associated footway widening in the Supplementary Statement) that has been open to the public for years and which has remained open even after the recent demolition works. As such you are advised to clarify whether or not this area has accrued highway rights and if necessary pursue the formal stopping-up process to extinguish these rights prior to any works enclosing this area. It is also likely that statutory undertakers' equipment, including street lighting equipment, is located within this area and again such*

*equipment would most likely need to be relocated at your Authority's expense.*

***Demarcation of the publicly maintainable highway*** – once the above matter is suitably resolved this Authority will require the formal demarcation of the publicly maintainable highway in an appropriate manner to be agreed in consultation with the Highway Authority.

***Fronting Wall and Retaining Wall - Drawing Ref***

*12321.DB3.S01.ZZ.DR.A.20101 Rev P2 shows that the fronting boundary wall to Boythorpe Road is to be 'retaining at a 'low level'. Please clarify the proposed height and what is being retained. Additionally another proposed retaining wall is shown abutting this and, as such, the rear of the publicly maintainable highway. This Authority will require sight of design calculations, material and construction details, cross sections etc for any retaining structure adjacent to or close to the publicly maintainable highway.*

*In addition should a wall be retaining the publicly maintainable highway further information will be required. In both cases this Authority requires further details including the proposed extent of excavations and location of any proposed footings. You will appreciate that there should be no excavation or footings within or under the public highway.*

***Photographic Baseline Survey*** - It is recommended that a pre-commencement photographic baseline survey of the publicly maintainable fronting the development site Boythorpe Road is undertaken with DCC's Clerk of Works present so that any damage attributable to the construction of the proposed scheme can be identified. The developer would of course be liable for such damage and must take the appropriate steps to rectify matters. Please note that the repair of the public highway would of course require the express permission of the Highway Authority and legal agreement under the Highways Act 1980.

***Floodlights*** - The proposals include the installation of floodlights and whilst drawing Ref 12321.DB3.S01.ZZ.DR.A.20101 Rev P2 shows floodlights M1, 3 and 5 facing away from the public highway the remaining floodlights M2, 4 and 6 face Boythorpe Road. Please clarify how these floodlights will not cause glare and distraction to passing motorists on the adjacent busy classified

*road. The light spillage document does not appear to have been updated to show the revised layout.*

*Additionally any third party external lighting installation adjacent the public highway should be designed and maintained in accordance with ILP 'Guidance Notes for the Reduction of Obtrusive Light GN01 2011'. To fully assess the lighting installations impact on the surrounding environment your Authority may wish to consider a night time survey which should be carried out by a competent independent lighting engineer at the applicant's expense. Please clarify whether or not the above document has been referred to in the preparation of the proposed scheme.*

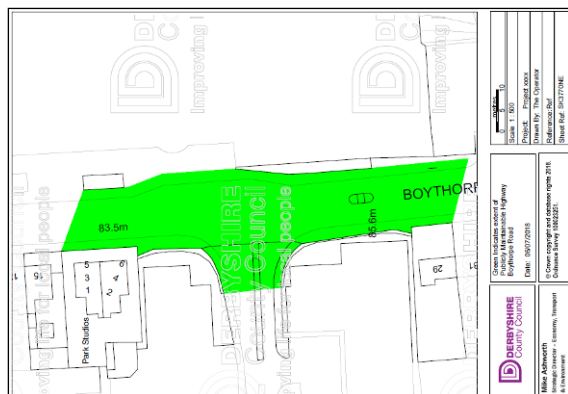
***Ball-proof fencing/roof netting - Drawing Ref 12321.DB3.S01.ZZ.DR.A.20101 Rev P2 shows pitch perimeter fencing at only 4.5m in height. This authority recommends that significantly higher fencing and possibly roof netting is installed to prevent errant balls reaching the public highway detrimental to the safety of passing highway users. It would appear that the author of the scheme also considers it likely that balls will leave the pitch given the inclusion of 'escape ball retrieval gates'.***

***Southern pedestrian access to Boythorpe Road - the relocation of the pedestrian path to align with the pedestrian refuge is noted. Please clarify what the black line in the public highway in front of the gates is - see drawing Ref 12321.DB3.S01.ZZ.DR.A.90104 Rev P3. The gates should open inwards only.***

***Construction management plan - a construction management plan is recommended. Details should include; parking of vehicles of site operatives and visitors, routes for construction traffic including arrangements for turning vehicles, including, abnormal loads/cranes etc, hours of operation, method of prevention of debris being carried onto highway, pedestrian and cyclist protection, proposed temporary traffic restrictions etc. The applicant should contact DCC's Traffic Management Team on 01629 0538686 for advice and procedure.'***

- 5.6.6 Having regard to the comments made by the LHA above, it is noted that they are seeking further clarity on certain aspects of the proposals; however these outstanding matters should not prevent progression of the application to determination. The issues in the LHA comments above are responded to in turn below.

5.6.7 **Publicly maintainable highway and highway rights** - When initial discussions took place with the LHA on the scheme submission the following map was supplied by the LHA showing the extent of the public highway.



5.6.8 The areas of tarmac beyond the publically maintainable highway were provided to allow people access to the Sports Centre from the public highway (not as an extension to the public highway) and therefore it is not clear how the LHA could suggest these areas may now have also ascertained 'highway rights'. Furthermore this hardsurface has now been removed and is a rubble surface following demolition of the centre. This is a matter which will need to be clarified by the applicant and does not prevent planning permission being granted.

5.6.9 **Demarcation of the publicly maintainable highway** – the new boundary wall to the site will act as formal demarcation of the publically maintainable boundary.

5.6.10 **Fronting Wall and Retaining Wall** – it is not unusual for the LHA to require a condition seeking further details of any boundary wall or retaining feature positioned adjacent to the public highway and an appropriate condition can be imposed on any decision issued.

5.6.11 **Photographic Baseline Survey** – it is suggested that if DCC require photographic evidence of the state of the public highway prior to the development commencing they do this themselves. It is entirely unreasonable to suggest this requirement should a Grampian condition, let alone a condition placed upon the developer at all.

- 5.6.12 **Floodlights** – these points are addressed by the recommended conditions as set out in section 5.4 above, which require further details to be submitted.
- 5.6.13 **Ball-proof fencing/roof netting** – it is considered that 4.5m high fencing to similar such facilities has been accepted in the past and the LHA has not submitted any evidence to suggest the fence design is deficient (comparisons etc). The applicant is not aware that the adjacent MUGA pitch causes similar such problems and therefore it is suggested that an appropriate response to this would be a condition on any decision issued to require a period to monitor the facilities once they are operational and only if a justified record of incidents occurs should measures of mitigation be required.
- 5.6.14 **Southern pedestrian access to Boythorpe Road** - the black line on the plan to which the LHA refer is actually a letter 'l' which is referred to in the plans key.
- 5.6.15 **Construction management plan** – this is standard requirement and can be imposed on any decision issued.
- 5.6.16 Overall in respect of the commentary provided above it is not considered that the development proposals pose any significantly adverse impacts upon highway safety. Under the provisions of policies CS2, CS18 and CS20 of the Core Strategy they are considered (subject to appropriate conditions where necessary) to be acceptable.

## 5.7 **Land Condition / Contamination**

- 5.7.1 The site the subject of the application comprises of previously developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.
- 5.7.2 The application submission is supported by a Geo Environmental Desk Study and in respect of land condition the **Coal Authority (CA)** were consulted on the application submission and provided the following response:

*'The Coal Authority concurs with the recommendations of the Phase 1 Geo-Environmental Desk Study; that a recorded mine entry located within the site and shallow mine workings pose a risk*

*to both public safety and the stability of the proposed development. Consequently, further intrusive site investigation works should be undertaken in order to establish the exact situation regarding them.*

*The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.*

*In the event that the site investigations confirm the need for remedial works to treat the mine entry to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.*

*The condition should also ensure that any remedial works identified by the site investigation to consolidate any shallow mine workings are undertaken prior to commencement of the development.*

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

- \* The undertaking of appropriate schemes of intrusive site investigations for both the mine entry and the shallow workings;*
- \* The submission of a report of findings arising from the intrusive site investigations;*
- \* The submission of a scheme of remedial works for approval; and*
- \* Implementation of those remedial works.*

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

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

5.7.4 It is noted that no comments were made by the Council's EHO in respect of land condition or potential contamination. Their comments made related to noise and nuisance matters which have a direct relationship with neighbouring amenity, which has already been considered in section 5.4 above.



## 5.8 **Ecology & Trees**

- 5.8.1 The majority of the application site is cleared land, which has been created following demolition of the former Queens Park Sports Centre, however the site shared a common boundary with Queens Park and as part of its demolition much of the mature landscaping located around the former Centre was retained given its protection under the parks Conservation Area status.
- 5.8.2 The application submission is accompanied by both a Tree Survey Report, Arboricultural Implications Assessment and Extended Phase I Ecological Report (all undertaken by EcoNorth Ecological Consultants having regard to the provisions of policy CS9 of the Core Strategy and wider requirements of the NPPF).
- 5.8.3 The application submission has been reviewed by **Derbyshire Wildlife Trust** (DWT) and the Council's **Tree Officer** (TO) and the following comments were received:

*DWT - The application area is of relatively low ecological value, with the previous buildings now demolished. The ecology report identifies some limited potential to support nesting birds and roosting bats, with foraging badger also a possibility.*

*It is essential that lightspill is minimised beyond the area of the pitch to maintain the suitability of the adjacent park habitat for nocturnal wildlife, including foraging bats. The details provided in the Design and Access Statement and lighting design (Abacus Lighting Ltd) appear broadly acceptable and the Trust support measures including timers and additional planting to buffer the adjacent habitats.*

*The ecology report identifies five trees with moderate suitability for roosting bats, several of these have bat boxes. The report states "This is a draft report and is not currently suitable to support a planning application". Whilst the report does contain a good level of information, clarification should be provided as to whether these trees will either be removed or subject to increased lightspill. If so, they should be subject to aerial inspection and the report should be updated with the results. Impacts to trees with low potential should also be clarified and appropriate felling methods detailed, where required.*

*Other than this minor clarification, we advise that sufficient information has been provided to determine the application and recommend that the following conditions are attached to any permission:*

*Nesting Birds*

*No removal of trees or shrubs shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.*

*Badger*

*Due to the known presence of badger activity in the local area and suitable habitat adjacent to the application area in the wider Queens Park, an update survey for any recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken prior to the commencement of any groundworks on the site and submitted to the LPA for approval.*

*Lighting*

*The lighting design proposed by Abacus Lighting Ltd (Ref: UKS16068-2 / 20.03.18) shall be implemented in full to ensure that lightspill to surrounding habitats is minimised and the functionality for nocturnal wildlife is maintained.*

*TO – The new development will have little impact of the existing trees and shrubs surrounding the site, however it is proposed that the Maple in the raised planting bed to the frontage of the site is removed to facilitate the development however in the Arboricultural Assessment this tree is shown as retained. There are no objections to the trees removal as long as a good landscaping scheme is proposed in mitigation which includes new tree planting.*

*An arboricultural Implications Assessment by Eco North Ecological Consultants dated 26th January 2018 has been submitted with the application. The proposed works will entail the removal and protection of some trees as indicated in the survey recommendations.*

*Some construction work will occur within the RPA of trees as shown on the survey tree constraints plan. The tree protection measures detailed in the assessment should therefore be attached as a condition for the protection of the retained trees and vegetation.*

*The phases of construction are unlikely to have a detrimental effect upon the health of the retained trees assuming the recommendations made in the assessment are adhered to at all times by the contractors e.g. the positioning of the protective fencing between the retained trees and construction activities is placed prior to commencement of works and remains intact and in position throughout the duration of the construction activities. A pre work commencement meeting is therefore advised and a condition attached to discuss the location of the fencing and any other arboricultural implications.*

*BS5837 recommends that retained trees (and areas suitable for new planting) are incorporated into Construction Exclusion Zones (CEZ's) and suitably protected throughout the development process. The CEZ's are clearly marked on the Tree Protection Plan, modified by EcoNorth Ltd.*

*The development includes new landscaping proposals around the site using a mixture of trees, shrubs and grassed areas to blend into the existing landscape at Queens Park. It is also proposed that new tree planting is carried out to the north and south of the sports pitch as shown on drawing 122564/8002 Rev B titled Landscape Proposal Plan dated 6th March 2018.*

*I have no objections to the application and if the application is approved then the following conditions should be attached to safeguard the retained trees and landscaping on the site:*

#### *Tree Protection*

*The tree protection measures and tree protection plan outlined in the arboricultural Implications Assessment by Eco North Ecological Consultants is adhered to at all times and as a condition.*

#### *Pre-commencement Meeting*

*Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site*

*manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.*

### *Landscaping*

*Prior to completion of the development hereby approved, details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion of the development. Details shall include:*

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;*
- 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a) permeable paving*
  - b) tree pit design*
  - c) underground modular systems**
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;*
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and*
- 5) types and dimensions of all boundary treatments*

*Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.*

- 5.8.4 Having regard to the comments made by DWT above the 5 no. trees identified in the ecological survey which already have bat boxes present are actually located outside of the application site boundary in an area of woodland adjacent to the boating lake in Queens Park. Any works to these trees would not be covered by this application submission; nor could it reasonably be a requirement that they are subject to further survey prior to the development of this site. The lighting plan submitted shows that lighting spill decreases from the application site boundary before reaching the area where these trees are located. In respect of all other conditions sought by DWT these are considered to be reasonable and can be imposed as appropriate conditions of any permission granted.
- 5.8.5 Having regard to the comments made by the TO above it is noted that the details of proposed tree protection etc are based upon the layout of the previously submitted scheme and these documents have not been updated since the layout of the pitch was amended.
- 5.8.6 It will be necessary to ensure that these documents are updated to reflect the correct proposals and therefore it is considered that appropriate conditions are imposed to secure these updates alongside those being sought by the TO in his comments.
- 5.8.7 Overall however it is considered that the scheme offers an appropriate degree of new landscaping to compensate for the loss of trees required to facilitate the development. Under the provisions of policy CS9 of the Core Strategy a biodiversity gain can be secured (alongside other identified heritage gains) within the park to accept the development proposals.

## 5.9 **Flood Risk & Drainage**

- 5.9.1 The application submission is supported by a Flood Risk Assessment and Drainage Strategy (undertaken by Fairhurst) (FRA and DS) which has regard to the fact part of the application site lies within flood risk zone 2 and is identified to be at risk from both fluvial (zone 2) and surface water (low zone) flooding.
- 5.9.2 The FRA and DS has been reviewed by the **Lead Local Flood Authority (LLFA)**, **Yorkshire Water Services (YWS)** and the Council's own **Design Services (DS)** team having regard to the impacts of the development upon flood risk and drainage.

5.9.3 YWS confirmed that they had no comments to make on the application proposals. The LLFA also had no specific comments to make and requested that the developer be referred to their 'standing advice' note. The DS team commented, *'Part of the site is shown to be located within Flood Zone 2 on the Environment Agency flood maps, indicating there is a low risk of flooding to the site. The proposed use of the site however would be classed as less vulnerable and would be compatible for use within this level of risk under the NPPF. It is noted in the submitted flood risk assessment that the site is assumed to be impermeable and that surface water drainage and attenuation are to be installed as part of these works. However no details have been provided of a surface water drainage design and discharge point at this stage. These would need to be submitted prior to full approval and construction'*.

5.9.4 The comments of the DS team made above are noted and under the provisions of policy CS7 of the Core Strategy an appropriate planning condition can be imposed requiring any necessary drainage details / strategy and calculations to be submitted for further consideration / approval prior to any development commencing on site.

## 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 18/06/2018; by advertisement placed in the local press on 28/06/2018; and by neighbour notification letters sent on 26/06/2018. Neighbours were also re-notified of the receipt of revised plans on 06/08/2018 giving 14 days for any further comments.

6.2 As a result of the applications publicity there has been one letter of representation received as follows:

### **A Local Resident (by email)**

I support the proposed sports pitches & landscaping and feel that the opportunity to improve the western edge of Queen's Park and the views into the park from Boythorpe Road has been taken. I feel it is important that the proposed development maintains & enhances the Grade II\* Listed park's character & appearance. The proposed sports pitches appear consistent with the existing ones at the south-west corner of the park.

Although not part of this application, I would like to suggest gating off the car parks overnight to prevent unauthorised use by travellers etc.

6.3 ***Officer Response: Noted.***

## 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.

## 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 paragraph 38 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 development is considered to be appropriately sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS3, CS4, CS6, CS7, CS8, CS9, CS13, CS14, CS17, CS18, CS19 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and wider National Planning Policy Framework (July 2018)

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

### **Conditions**

#### Time limits 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.

- Topographical Survey
- Site Location Plan - 12321-DB3-S01-ZZ-DR-A-90001
- Existing Site Plan - 12321-DB3-S01-ZZ-DR-A-90002
- Existing Site Sections - 12321-DB3-S01-ZZ-DR-A-90003



- Existing Site Elevations - 12321-DB3-S01-ZZ-DR-A-90004
- Illustrative Sections and Elevations - 122564-PG-8003
- Illustrative Sections and Elevations - 122564-PG-8004
- Details Sheet 1 - 12321-DB3-S01-ZZ-DR-A-20102
- Details Sheet 2 - 12321-DB3-S01-ZZ-DR-A-20103
- Proposed Site Sections - 12321-DB3-S01-ZZ-DR-A-90105
- Proposed Site Elevations - 12321-DB3-S01-ZZ-DR-A-90106
- Proposed Elevations - 12321-DB3-S01-ZZ-DR-A-90107
- Proposed Site Plan - 12321-DB3-S01-ZZ-DR-A-90101 P3
- Proposed Pitch Setting Out – 12321-DB3-S01-ZZ-DR-A-20101 P2
- Landscape Proposals Plan – 122564-PG-8002 Rev B
- Lighting Plan – UKS16068-2 and Lighting Details
- Design and Access Statement
- Flood Risk and Drainage Strategy
- Geo-Environmental Desk Study
- Heritage Statement
- Extended Phase I Report
- Arboricultural Implications Assessment and Tree Survey Report
- Supplementary Statement to accompany Revisions (Aug 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.*

### Drainage

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.

*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.*

#### Site Investigations

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

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

#### Ecology / Trees

05. No removal of trees or shrubs shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

*Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.*

06. Prior to commencement of development a further survey for recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken. Only once those survey findings have been submitted to and approved in writing by the Local Planning Authority shall ground works on the site be permitted to commence.

*Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.*

07. The lighting design proposed by Abacus Lighting Ltd (Ref: UKS16068-2 / 20.03.18) shall be implemented in full to ensure that lightspill to surrounding habitats is minimised and the functionality for nocturnal wildlife is maintained.

*Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.*

#### Heritage – Boundary Treatments and Planting

08. Prior to commencement of development, further details of the proposed boundary wall, gates, gate piers, railings and fencing (including materials, finishes, profiles and any renovation works to existing connecting features) shall be submitted to the Local Planning Authority for further consideration. Only those details which are agreed in writing by the Local Planning Authority shall be implemented on site and maintained thereafter as per the agreed scheme.

*Reason – In the interests of the affected designated heritage assets and to accord with policy CS19 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.*

09. Upon commencement of development and prior to the facility being brought into first use, further details of the proposed soft landscaping shall be submitted to the Local Planning Authority for further consideration. Only those details which are agreed in writing by the Local Planning Authority shall be implemented on site and maintained thereafter as per the agreed scheme in accordance with an accompanying implementation programme.

*Reason – In the interests of the affected designated heritage assets and to accord with policy CS19 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.*

## Cycle Parking

10. The premises, the subject of this application, shall not be brought into use until space has been provided within the site curtilage for the cycle storage as per the application drawings. Thereafter the facility shall be maintained available for use throughout the life the development.

*Reason – In accordance with the requirements of policy CS20 of the Core Strategy and in the interests of promoting sustainable means of travel.*

## Lighting / Amenity

11. The floodlighting hereby agreed shall not be used between the hours of 22:00 and 07:00 on any day.

*Reason – In the interests of neighbouring amenity.*

12. Prior to their installation a revised lighting scheme which takes account of the revised site layout (submitted 03/08/2018 and 07/08/2018) shall be submitted to the Local Planning Authority for consideration. All the lighting columns shall be shrouded to prevent glare to adjoining properties and / or the highway. Only those details which are subsequently agreed in writing shall be implemented on site and retained thereafter as approved.

*Reason – In the interests of neighbouring amenity and highway safety.*

13. If within a period of 12 months from the lighting installation being implemented, any complaints are received about glare / overspill, the lights causing the effect shall be immediately turned off. Before the installation is allowed to be switched back on a lighting survey shall be undertaken to assess the full impact of the installation and remedial measures shall be submitted to the Local Planning Authority for consideration and written approval. Thereafter those remedial measures shall be implemented with immediate effect and retained thereafter as approved.

*Reason – In the interests of neighbouring amenity and highway safety.*

14. Prior to its installation the final design of the facilities enclosure fencing shall be submitted to the Local Planning Authority for consideration and approval in writing. The details shall include measures to mitigate any adverse noise / nuisance impacts from balls striking the fencing. Only those details which receive approval in writing shall be implemented on site and maintained thereafter throughout the life of the development.

*Reason – In the interests of neighbouring amenity and highway safety.*

### Highways

15. Prior to the commencement of the development full structural details for the proposed boundary / retaining walls positioned on land adjacent to the public highway shall be submitted to and approved in writing by the Local Planning Authority, the structure being constructed in accordance with the approved scheme prior to the retained areas being brought into use

*Reason - In the interests of highway safety.*

16. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- Parking of vehicles of site operatives and visitors
  - routes for construction traffic
  - hours of operation
  - method of prevention of debris being carried onto highway
  - pedestrian and cyclist protection
  - proposed temporary traffic restrictions
  - arrangements for turning vehicles

*Reason – In the interests of highway safety.*

17. For a period of 12 months following the development being first brought into use, the functionality of the 4.5m high fencing enclosure shall be monitored to ensure it serves as an effective barrier to prevent balls straying onto the adjacent public highway. If any such incidents are reported where balls have strayed onto the public highway to the detriment of public safety, a mitigation strategy to retain balls within the playing arena shall be submitted to Local Planning Authority for consideration. Only those details which receive written approval shall be implemented on site in accordance with a timeframe agreed under the terms of this condition and which shall be retained thereafter.

*Reason – In the interests of highway safety.*

### Landscaping

18. Prior to commencement of development the Arboricultural Implications Assessment shall be reviewed and updated to reflect the revisions to the site layout plan hereby agreed (submitted on 03/08/2018 and 07/08/2018). The tree protection measures and tree protection plan shall be updated and submitted to the Local Planning Authority for consideration and written approval. Only those details which receive written approval shall be implemented on site (in accordance with condition 18 below) and shall be maintained thereafter throughout the construction phase.

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

19. Prior to completion of the development hereby approved, details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion of the development. Details shall include:
- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
  - 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:

- a) permeable paving
- b) tree pit design
- c) underground modular systems
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- 5) types and dimensions of all boundary treatments

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

20. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Local Planning Authority.

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of promoting biodiversity enhancement and 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. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management at Derbyshire County Council - telephone 01629 538686.
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 gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
05. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community 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.
06. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these



can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.

07. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.
08. In relation to the any works / conditions regarding trees the following British Standards should be referred to:
  - a) BS: 3998:2010 Tree work – Recommendations
  - b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations.