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File No: CHE/17/00496/FUL  
Plot No: 2/1123

### **ITEM 3**

**Conversion of The Travellers Rest into 12 residential apartments including conversion of the attached retail unit linked to the original building, together with a new three storey rear extension and new roof over the existing building to incorporate additional rooms within the roof space – amended noise, odour and air quality assessment received 29.05.2018, amended plans received 29.05.2018 and 10.07.2018 at The Travellers Rest , 425 Sheffield Road, Whittington Moor, S41 8LT for Mr Shrimpton.**

Local Plan: Town District and Local Centre  
Ward: Moor

#### 1.0 **CONSULTATIONS**

Ward Members	No comments
Strategy Planning Team	Comments received
Environmental Services	Comments received
Design Services	No comments
Economic Development	Comments received
Yorkshire Water Services	No comments
Derbyshire Constabulary	Comments received
DCC Strategic Planning	Comments received
DCC Highways	No objections
Coal Authority	No objections
Urban Design	No objections
Derbyshire Wildlife Trust	Comments received

Archaeology

No objections

Neighbours/Site Notice

2 representations received.

2.0

## **THE SITE**

2.1

The property concerned is the Travellers Rest, located at 425 Sheffield Road in the Whittington Moor area of Chesterfield. This is a large former public house of some historic interest. The property is semi-detached, and is brick-built, with a part hipped and part pitched slate roof behind an ornate stone parapet. The building has predominantly UPVC windows and doors, with stone detailing and two chimney stacks. The property is set over two levels, and incorporates a small gable end that projects from the side of the hipped roof. The Western front of the property abuts the pavement on Sheffield Road, and part of this elevation comprises a shopfront that was separate to the main pub use. Various signs associated with the pub use are attached to the front of the building.

2.2

An access way is situated to the Northern side of the property, and leads to the rear of the site. The rear of the site comprises a large yard area, which is in a poor state of repair. The rear of the property has been extended, with single storey and two storey additions in materials to match. Brick walls and neighbouring buildings form the boundaries to the yard area, and the boundaries to all other elevations remain open. The access way and an Italian Restaurant are situated to the North of the site, a steel castings factory is situated to the East of the site, a hot food takeaway is situated to the South of the street, and the roadway of Sheffield Road is situated to the West of the site. The pub and shop are currently closed.





### 3.0 **RELEVANT SITE HISTORY**

3.1 A pre-application enquiry response was issued in February 2017 with regards to plans for the retention of the pub and the conversion and extension of the property to create apartments. It was advised that a scheme of such a nature was likely to be acceptable, subject to correspondence from consultees.

### 4.0 **THE PROPOSAL**

4.1 A full application has been made for the conversion of The Travellers Rest into 12 residential apartments including conversion of the attached retail unit linked to the original building, together with a new three storey rear extension and new roof over the existing building to incorporate additional rooms within the roof space. The application includes amended noise, odour and air quality assessments and amended plans received 29.05.2018 and 10.07.2018.

- 4.2 The plans originally included a different noise assessment and air quality assessment, and were for a scheme of a different design. Concerns were raised with regards to noise, air quality and design, which resulted in the submission of amended plans.
- 4.3 The amended plans indicate that the property would be converted into 12 residential apartments including the conversion of the attached retail unit linked to the original building, together with a new three storey rear extension and new roof over the existing building to incorporate additional rooms within the roof space. Externally it is proposed to install six ornate dormer windows within the roofline to the front elevation, to match those seen on the adjoining property to the South. These are proposed to be lead faced with UPVC windows. It is also proposed to make alterations to the roofline, to enable a fully pitched roof form to be created using materials to match. At ground floor level, it is proposed to infill the existing shopfront with brickwork and three windows to match the rest of the property. The existing pub signage is proposed to be removed.
- 4.4 To the rear of the property, it is proposed to attach a substantial three storey extension with a roughly L-shaped footprint. This is proposed to be flat roofed in form, and would cover the entirety of the rear elevation of the property. The demolition of the existing rear extensions would be required to cater for this proposed development, and the new extension would be attached to the rear roofline of the property. The extension is proposed to be constructed using matching brickwork, slate effect cladding, white render, and timber cladding. Windows and doors are proposed across all three levels to the side and rear elevations of the property. These are proposed to be aluminium framed, and a variety of sizes and styles would be utilised. To the rear of the property it is proposed to create a landscaped area, block paving patio and cycle shelter. A new acoustic wall is proposed to be erected to the East of the site, and an acoustic fence is proposed to be erected between the property and the adjoining building. The existing access way to the Northern side of the property is proposed to be retained.

- 4.5 Internally it is proposed to provide 12 apartments, with some of these being one bedroom and others being two bedroomed. The apartments are proposed to be situated at ground floor, first floor and second floor, with some of these comprising dormer windows. All of the flats are proposed to comprise living/kitchen, bathroom and bedroom areas. Four apartments are proposed on each level, with a centrally located staircase and hallway providing access. Entry to the property is proposed via an existing doorway to the front elevation and a rear doorway is also proposed to the rear. The internal spaces appear to be appropriate and fit for purpose.
- 4.6 The application is assessed on the basis of the Application Form, Design & Access Statement, Amended Noise, Odour & Air Quality Assessment, Coal Mining Risk Assessment, Site Location Plan, and the amended plans and elevations.

## 5.0 **CONSIDERATIONS**

### 5.1 **Local Plan Issues**

- 5.2 The site is situated within the built settlement of Whittington Moor. The immediate area mainly contains a mix of commercial and residential properties, and is well served by public transport, services and facilities. Having regard to the nature of the application, policies CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

- 5.3 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:

- a) adhere to policy CS1
- b) are on previously developed land
- c) are not on agricultural land
- d) deliver wider regeneration and sustainability benefits
- e) utilise existing capacity in social infrastructure
- f) maximise walking / cycling and the use of public transport

g) meet sequential test requirements of other national / local policies

All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.

5.4 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.

In addition to the above, the new 2018 NPPF places emphasis on the importance of good design stating:

*‘In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in the area, so long as they fit in with the overall form and layout of their surroundings.’ (para131)*

*“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents” (para 130).*

5.5 In addition to the above, in July 2013 the Council adopted ‘Successful Places’ which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.

5.6 The proposed development site is situated within Whittington Moor Centre and is on previously developed land. The site is located within a built-up area where new housing development would be considered appropriate in principle. As such, this proposed development site is considered to be

sufficiently sustainable for a development of this nature and is a logical housing location.

## 6.0 **Strategy Planning Team**

- 6.1 The Strategy Planning Team was consulted on this application and made the following concluding comments; 'The proposed loss of main town centre uses and the loss of 'active commercial frontage' of the premises would be likely to have a detrimental effect on the vitality and viability of the Whittington Moor District Centre. There is insufficient information on vacancy of the units and marketing for such considerations to be weighed favourably in the balance. There is insufficient evidence provided in the application that there is no reasonable prospect of the premises being re-used for main town centre uses or redeveloped for a mix of residential and main town centre uses with commercial use at ground floor. The proposal as submitted is contrary to strategic objective S3 and policy CS15 of the CBCCSLP. It would also conflict with the aims of the NPPF. There are other issues raised by the proposal including; the localities pollution levels from an existing industrial use, Sheffield Road and nearby commercial uses; design and visual amenity; amenity levels for future occupiers; land stability and contamination; heritage impact. However, consideration of these matters is for the Development Management process.
- 6.2 In response to these comments the submitted Design & Access statement states 'the public house in question has struggled to remain financially viable for a number of years and has been the subject of a number of attempts to run at a profit by numerous landlords and owners. Additionally, it is considered an acceptable loss to the surrounding community in this instance given the high number of other public houses in close proximity, with The Derby Tup and Chester's Working Mans Club both located nearby whilst The Victoria Club and Red Lion are a short walk to the north and the Rose & Crown / The Spireite and Donkey Derby also within easy walking distance to the south and all located on Sheffield Road'. In addition, the Design & Access Statement states 'the mix of a public house at ground floor and residential use above would create an un easy and



problematic relationship between, in particular the unsocial hours and noise associated with a public house would likely prove to be impractical and intrusive to residents above'. The comments made in the Design & Access Statement are agreed with. It is considered that the existing pub use is no longer viable, there are several other pub uses located in close proximity to the site, and the pub use would potentially have an adverse impact on any residential use above. It is considered that the property is currently in a poor state of repair and is in need of a new use. As such, it is considered that the proposed plans are sustainable and adhere to policy CS17.

## 7.0 **Design and Appearance (Including. Neighbour Effect)**

7.1 It is considered that the design of the proposed alterations to the property are acceptable, subject to the imposition of conditions, and would have no adverse impact on the character of the property or the surrounding area. It is not considered that the proposed new openings or extensions would result in any significant adverse impact on the character of the property, and the scheme would result in the site being tidied up and improved significantly. It is important that this vacant building is given a new appropriate use, as it has started to fall into disrepair. It is considered that the alterations to the property and the new windows and doors to the front elevation should match the materials of the existing property. It is considered that conditions should be imposed requiring the submission of material samples, landscaping, and boundary treatments. These conditions are required in the interests of the character and appearance of the property.

7.2 Having regard to the proposed layout, plans and elevations, it is expected that the development may impose the greatest degree of change to the commercial and industrial properties situated to the North, East and South of the site. It is worth highlighting that this application relates to an existing building however, and that the nearest residential properties are situated several metres away. As such, it is not considered that these plans would result in any issues in terms of overlooking, overshadowing or an overbearing impact for neighbours. It is considered that the design of the proposed

alterations, the layout of the site, and the level of separation from neighbours would ensure that these proposals would result in no significant adverse impact for neighbours.

7.3 An area of landscaped outdoor space is proposed to serve the new apartments, however this is not intended to be used as garden space. An appropriately designed timber clad, flat roofed cycle and bin store structure is proposed to the East of the site. As previously mentioned, it is considered that a condition should be imposed requiring the provision of landscaping and boundary treatment details for approval. The plans indicate walls and fences to the North, East and South of the outdoor area, however details are vague.

7.4 Overall it is accepted that development of this nature would impose an impact upon neighbours. In this instance there is however a case to argue that this impact would be minimal, due to the proposed design and the relationship between properties. In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded that the development would be designed to prevent any significant adverse impact upon the privacy and/or outlook of neighbours. As such, the development is considered to be acceptable in terms of these policies. Overall the principle of this scheme is considered to be acceptable, and is in accordance with policies CS2 and CS18 of the Core Strategy and the wider SPD.

## 8.0 **Environmental Services**

8.1 The Environmental Services Officer was consulted on this application and initially objected. Concerns were raised in relation to air quality, odour and noise. The concerns with regards to air quality were raised as a result of the presence of a metal processing facility situated to the East of the site. The concerns with regards to odour were raised as a result of the presence of a hot food takeaway and extraction flue at the adjoining property to the South of the site. The concerns with regards to noise were raised as a result of road traffic, the extraction equipment on the neighbouring hot food takeaway premises, and the metal processing premises to the rear of the site. Extensive consultation took place with

the Environmental Services and the agent handling this application in an attempt to overcome the issues. This resulted in the submission of revised air quality, noise and odour assessment in May 2018.

- 8.2 The revised noise, air quality and odour assessment resulted in the following concluding comments; 'A BS 4142:2014 assessment has indicated the extraction fans operating from an Italian restaurant, fish & chip take-away and metal fabrication premises at the rear (eastern) aspect of the application area indicates there would be a significant adverse impact. There is to be no outside amenity space associated with these apartments. An area of soft landscaping will be provided to the rear of the apartments. However, there will be no rear doors from the apartments into this area and all of the external windows will be non-opening. At the rear (east) and side (north) windows, glazing units comprising of 4mm/6-16mm/4mm should be specified. At the front of the building (west) glazing units including 6mm /16mm argon/8.8 mm Pilkington Optiphon Rw (Ctr) 34 should be specified. When these glazing units (or equivalent) are installed, the daytime dining and night-time sleeping criteria in BS 8233:2014 will be met. Internal ventilation will be provided by using a Titon HRV 1.25 Q Plus MVHR system connected to a Titon Trimbox NO2 filter. With the use of F7 and G4 filters NO2 and PM2.5/PM10 from external sources will be reduced by between 95 and 100%. When the combined operation of the glazing attenuation and noise level of the MVHR units is taken into account, predicted internal noise level do not exceed the daytime dining room criteria of 40 dB LAeq,16h and the night-time sleeping criteria of 30 dB LAeq,8h in BS 8233:2014. As the rear masonry wall of one of the apartments is close to the fish and chip shop extraction unit, the internal noise level was predicted using the attenuation gained from a brick/cavity wall. This was found to be below the lowest night time criteria in BS 8233:2014. A Noise Rating Curve (NR) assessment was conducted for the apartments exposed to the extraction units at the rear and side elevations. The NR 30 curve (applicable to residential dwellings) was met when using 4mm/6-16mm/4mm glazing units.

8.3 The Environmental Services Officer was consulted on this revised noise assessment and confirmation has been received raising no objections in relation to noise and no comments in relation to odour. He stated that 'I am happy that the proposed noise insulations works should provide sufficient acoustic protection from noise at both the front and rear of the premises'. In relation to air quality, the Environmental Services Officer stated that 'proposals are made regarding providing filtration to control dust from the Foundry, and also NO<sub>2</sub> from the passing traffic. I am not familiar, nor have I been able to find any information on the efficacy of this method of preventing NO<sub>2</sub> exposure. Some means of filter medium management will have to be put in place to ensure the efficiency of the filtration'.

8.2 The response from Environmental Services is accepted. It is considered that the proposed plans would not result in any adverse issues for residents in relation to noise or odour, subject to the plans contained within the noise, air quality and odour assessment being implemented in full. As such a condition should be imposed to this effect. The response from Environmental Services in relation to air quality is non-committal, however it is acknowledged that some means of filter medium management will have to be put in place to ensure the efficiency of the filtration. It is not considered appropriate to issue a refusal on air quality grounds, when there is no indication that air quality would necessarily be a concern.

## 9.0 **Design Services**

9.1 Design Services was consulted on this application and they made no comments. It is not considered to be necessary to impose a condition requiring the submission of drainage details in this instance, as this application is for conversion and extension rather than a new building.

## 10.0 **Economic Development**

10.1 The EDU is supportive of the application in part as it increases residential use in the area and the nature of the proposal presents employment, training and supply chain opportunities created during the construction phase. However, the EDU express concern over the loss of active ground floor units, including the loss of the retail unit. Whilst it is accepted that this public house has struggled to remain financially viable in recent years and that there are a number of other public houses in the vicinity, we would welcome evidence that shows that the applicant has considered and tested the viability of other leisure and retail uses to retain active usage of the ground floor and safeguard longer term employment use.

10.2 In response to the comments from the Economic Development Unit, it is considered appropriate to impose a local labour condition. The concerns with regards to the loss of the active ground floor units have already been addressed in this report in response to the comments from the Strategy Planning Team.

## 11.0 **Derbyshire Constabulary**

11.1 Derbyshire Constabulary comment that there are no objections to the principle of conversion to residential use for this site, conversely occupancy and ownership of the site should stop the degeneration and misuse which is apparent at present. I would ask that approval is conditional upon an adequate enclosure and security specification, which needs fleshing out from current detail. The rear yard is currently shown with open access, leading to the adjacent access track, industrial units and the unsecured rear garden of the neighbouring restaurant. Leaving the private rear gardens, bin store and cycle store open in this manner will offer unsecured access to non-residents and consequently presents an avoidable risk of crime and nuisance. The yard should be secured with gating for pedestrian, cycle and bin access, with a locking schedule which allows entry only for residents and service personnel. Given the size of the development a workable provision for vetting visitors and mail delivery needs to be detailed at the main Sheffield Road

entrance. A call and intercom provision for all 12 apartments prior to the initial set of inward opening double doors is recommended. The lobby between these doors and the second set of outward opening doors would look most suitable for individually allocated secure mail boxes, potentially with the need to reverse the secondary doors to inward opening for adequate space. The bin and cycle stores are shown to be provided with a pair of steel louvred doors. The specification and locking schedule for both of these stores should be a condition of approval. As a residential conversion the development falls into the requirements of building regulation approved document Q, in respect of the security of all communal doors, individual apartment doors and accessible windows. I'd ask that the applicants are made aware of this requirement by way of an informative note.

11.2 The response from Derbyshire Constabulary is accepted. It is considered that the concerns with regards to access to the rear yard and cycle storage can be addressed by imposing a condition requiring the submission of boundary treatment details for approval. There is an expectation that the boundary treatments would result in the rear yard being enclosed and therefore alleviating any security concerns. The other concerns highlighted by Derbyshire Constabulary can be addressed by adding informatives.

## 12.0 **DCC Strategic planning**

12.1 DCC Strategic Planning was consulted on this application and raised no objections. The response states that no Section 106 contributions would be required in this instance, but highlights the need for a CIL contribution.

12.2 *The response from DCC Strategic Planning is accepted. It is not considered that a Section 106 Agreement is required, however the new floorspace created as a result of the proposed extensions would be CIL liable.*

## 13.0 **DCC Highways**

13.1 DCC Highways has raised no objections. A condition is recommended in relation to the provision of cycle parking facilities prior to the development being occupied.

13.2 The response from DCC Highways is accepted. No parking provision is proposed to serve this development, however there is no scope to do so due to the substandard visibility splays serving the existing access route. The property is situated in a sustainable location that is well served by public transport and amenities, and as such it is not considered that parking provision is essential. The suggested cycle parking condition would be incorporated into the standard conditions on any approval.

#### 14.0 **Coal Authority**

14.1 The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment and Phase 1 Geotechnical & Geo-Environmental Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development. A condition should therefore require prior to the commencement of development:

- \* The submission of a scheme of intrusive site investigations for approval;
- \* The undertaking of that scheme of intrusive site investigations (subject to agreement with the Coal Authority's Permitting Team);
- \* 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.

14.2 The response from The Coal Authority is accepted. It is considered that the suggested conditions are necessary in the interests of coal mining legacy and safety.

## 15.0 **Urban Design**

15.1 The Urban Design Officer confirms that no objections are raised to the scheme. The concluding comments stated that 'it is recommended that advice from the EHO on the principle of residential development in this location is sought. Furthermore, the suitability of the access for further traffic should be advised by the DCC Highway Engineer. Details in respect of entrances, potential external spaces, balconies and roof terraces should also be explored together with the provision of secure and weathertight external cycle parking'.

15.2 The response from the Urban Design Officer is accepted. It is considered that the issues with regards to environmental health and highways have been addressed earlier in this report. The external spaces have been largely removed from this scheme as a result of environmental health concerns, and the other matters raised can be dealt with by condition.

## 16.0 **Derbyshire Wildlife Trust**

16.1 Derbyshire Wildlife Trust confirm no records of protected species exist for the site or its immediate surrounds. Due to the proposed works on site, it would be recommended as a minimum that a day time building assessment for bats and birds is undertaken by a suitably qualified ecologist (<http://www.cieem.net/members-directory/search>). The format and content of the ecology report should follow current guidelines - such as CIEEM Ecological Report Writing, British Standards BS:42020 and Bat Conservation Guidelines (Collins, 2016). In addition the reports, where possible, should include mitigation and enhancement measures that may be required, to secure as a condition of any permission. Where appropriate this should include a detailed method statement for undertaking works that would avoid harm to protected species and appropriate mitigation and compensation. It should be noted if the building are found to have potential for bats, further surveys will be required prior to determination.



16.2 The response from Derbyshire Wildlife Trust is accepted. It is considered appropriate to impose a condition requiring a bat survey, in the interests of ecology.

17.0 **REPRESENTATIONS**

17.1 As a result of neighbour notification, 3 letters/emails have been received. 1 of these is from HI Quality Steel Castings Ltd and another is from the occupant of Unit 1 Substation Lane, both neighbouring properties to the East of the site. A third letter of support has been received from an individual at an un-named address.

17.2 1 of the letters/emails raises concerns with regards to noise and dust created by HI Quality Steel Castings Ltd causing issues for residents. Another of the letters raises concerns with regards to Substation Lane being used by residents for parking and blocking access for other users. The third letter is in support of the application and makes comments.

17.3 ***With regards to noise and dust created by HI Quality Steel Castings Ltd, Environmental Services was consulted on the revised application and raised no objections in relation to noise. The response from Environmental Services in relation to air quality is non-committal, however it is acknowledged that some means of filter medium management will have to be put in place to ensure the efficiency of the filtration. In response to these comments, it is not considered appropriate to issue a refusal on air quality grounds, when there is no indication that air quality would necessarily be a concern. In relation to the use of Substation Lane being used by residents for parking, there is no intention for this road to be used for anything other than pedestrian and cycle access. There is therefore no justification for making an assumption that this road would be used for the parking of cars, and there have been no objections from DCC Highways in relation to these plans.***

## 18.0 COMMUNITY INFRASTRUCTURE LEVY

18.1 With regards to this particular application the CIL Regulations state that any building / existing floor space which has not been occupied with a legitimate planning use for a period of 6 months within the last 3 years becomes liable for CIL when a new planning permission is granted and implemented. In this case whilst the existing building appears to have been used over the last 3 years however the scheme involves a large extension and creation of space above the building at second floor level which will all be CIL liable.

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

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>Proposed new Floorspace (GIA in Sq.m)</b>	<b>Less Existing (Demolition or change of use) (GIA in Sq.m)</b>	<b>Net Area (GIA in Sq.m)</b>	<b>CIL Rate</b>	<b>Index (permission)</b>	<b>Index (charging schedule)</b>	<b>CIL Charge</b>
876	383	493	£50 (Medium Zone)	317	288	<b>£27,132</b>

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

## 19.0 HUMAN RIGHTS ACT 1998

19.1 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

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

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

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

## 20.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

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

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

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

## 21.0 **CONCLUSION**

21.1 The amended proposals are considered to be appropriate in terms of principle, design and layout, and would have no adverse impact on the character of the property, neighbours, the health and amenity of residents, the vitality of the area, ecology, parking or highway safety. Although the loss of the pub is regrettable, the building is likely to continue to deteriorate and suffer from neglect without a viable use. The proposed residential use is considered to be appropriate in this sustainable location. It is considered that conditions are required detailing material samples, landscaping, boundary treatments, coal mining legacy, and local labour. The proposed development site is in a sustainable location that is well served by public transport and amenities. As such, the proposal accords with the requirements of policies CS2, CS10, CS15, CS17, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

21.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS8 and CS9 of the Core Strategy and the wider NPPF in respect of ecology, landscaping and materials.

## 22.0 **RECOMMENDATION**

22.1 That a CIL Liability Notice be served as per Paragraph 18.0 of this report.

22.2 That the application be **GRANTED** subject to the following conditions:

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans with the exception of any approved non material amendment.

3. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.
4. No development shall take place until full details of both hard and soft landscape works and boundary treatments have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
5. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
6. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.
7. Development shall take place in complete accordance with the amended noise, air quality and odour assessment dated 17<sup>th</sup> May 2018.
8. No development shall take place until site investigation works have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority. The details shall include;
  - The submission of a scheme of intrusive site investigations for approval;
  - The undertaking of that scheme of intrusive site investigations;
  - The submission of a report of findings arising from the intrusive site investigations;

- The submission of a scheme of remedial works for approval; and
  - Implementation of those remedial works
9. Prior to commencement, a day time building assessment for bats and birds shall be submitted to the local authority for approval in writing. The assessment shall be undertaken by a suitably qualified ecologist (<http://www.cieem.net/members-directory/search>). The format and content of the ecology report should follow current guidelines - such as CIEEM Ecological Report Writing, British Standards BS:42020 and Bat Conservation Guidelines (Collins, 2016). In addition the reports, where possible, should include mitigation and enhancement measures that may be required, to secure as a condition of any permission. Where appropriate this should include a detailed method statement for undertaking works that would avoid harm to protected species and appropriate mitigation and compensation. It should be noted if the building are found to have potential for bats, further surveys will be required.

### **Reasons**

1. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
2. 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.
3. The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.
4. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.
5. In the interests of residential amenities.
6. In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.

7. In the interests of the health and amenity of residents.
8. In the interests of coal mining legacy and safety.
9. In the interests of ecology.

### **Notes**

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
04. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/roadworks/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp)

05. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
06. The development falls into the requirements of building regulation approved document Q, in respect of the security of all communal doors, individual apartment doors and accessible windows.