

Case Officer: Sarah Kay
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Ctte Date: 10th June 2019

File No: CHE/19/00083/FUL
Plot No: 2/5569

ITEM 6

CONVERSION OF EXISTING PUB INTO 6 NO. 1 BED FLATS, ONE NEW 2.5 STOREY BUILDING TO FRONT FOR 6 NO. 1 BED FLATS, TWO NEW SINGLE STOREY BLOCKS ARRANGED PARALLEL TO THE EAST AND WEST SITE BOUNDARIES FOR 2 NO. 1 BED FLATS AND ONE 1.5 STOREY BUILDING TO NORTH OF SITE FOR 2 NO. 1 BED FLATS (REVISED PLANS RECEIVED 15/05/2019, VIABILITY APPRAISAL REC'D 23/05/2019 AND ECOLOGICAL SURVEY RECEIVED 24/05/2019) AT ALL INN, LOWGATES, STAVELEY, CHESTERFIELD, DERBYSHIRE, S43 3TX FOR A-ROCK CONSTRUCTION

Local Plan: Unallocated
Ward: Lowgates & Woodthorpe

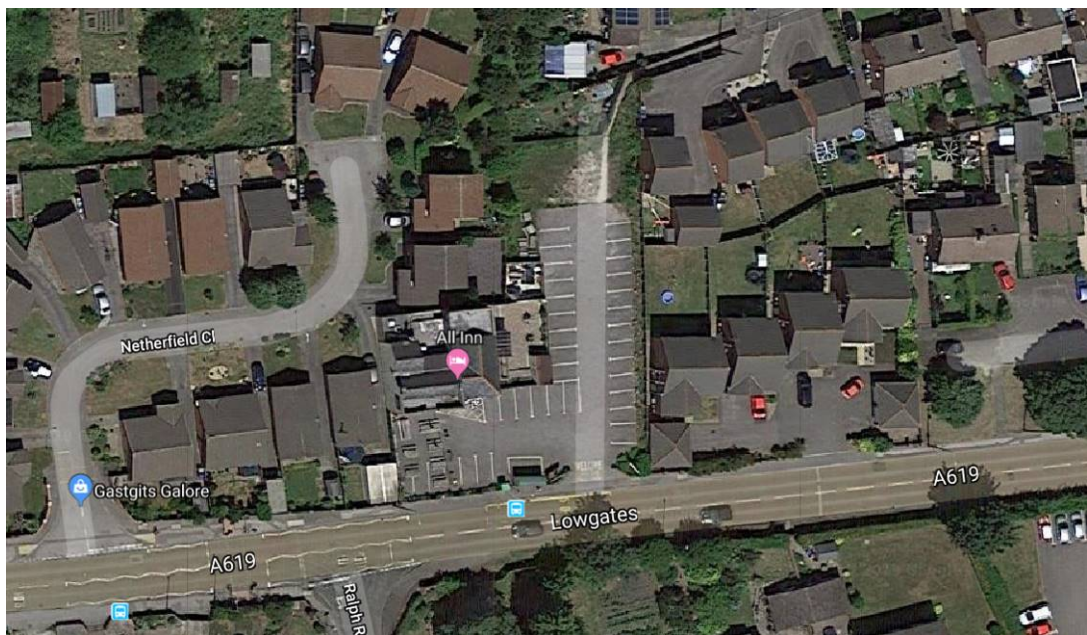
1.0 CONSULTATIONS

DCC Highways	Comments received 18/03/2019 – see report
CBC Strategic Planning	Comments received 25/03/2019 – see report
CBC Environmental Health	No comments received
CBC Design Services	Comments received 07/03/2019 – see report
CBC Economic Development	Comments received 20/02/2019 – see report
CBC Housing	Comments received - see report
Yorkshire Water Services	Comments received 08/03/2019 – see report
Derbyshire Constabulary	Comments received 05/03/2019 – see report
DCC Strategic Planning	Comments received 12/03/2019 – see report
Lead Local Flood Authority	Comments received 11/03/2019 – see report
CBC Urban Design Officer	Comments received 09/04/2019 and 15/05/2019 – see report
Derbyshire Wildlife Trust	Comments received 07/03/2019

	– see report
Derbyshire Fire Officer	No comments received
Coal Authority	Standing advice applicable
North Derbyshire CCG	No comments received
Staveley Town Council	Comments received 25/3/2019 – see report (section 6.2)
Ward Members	No comments received
Site Notice / Neighbours	11 representations received

2.0 **THE SITE**

2.1 The site the subject of the application encompasses the All Inn PH and its associated car park and grounds which are located off Lowgates in Staveley. The site is 'L' shaped and extends to approx. 0.16ha in area which slopes slightly down to the east and north and a footpath enters the site in the northeast corner from White Close.



2.2 Residential properties are situated in close proximity around the site, with bungalows to the west and houses to the north and east of the pub and carpark. The site is relatively open to the front being defined by low level planters and railings, with a low stone wall either side of the entrance. The remaining boundaries are enclosed by a mixture of walls and fences. Lowgates passes along the southern boundary and a bus stop is located on the highway at the front of the site.

2.3 The All Inn PH itself is a red brick building with attractive stone detailing and two distinctive parapet elements with stone coping. The pub makes a positive contribution to the appearance of the streetscene.

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/11/00719/FUL - Proposed snooker room extension and store to rear. Conditional permission approved 12/12/2011.

3.2 CHE/1185/0735 - Display of illuminated advertisement signs. Conditional permission approved 18/12/1985.

4.0 **THE PROPOSAL**

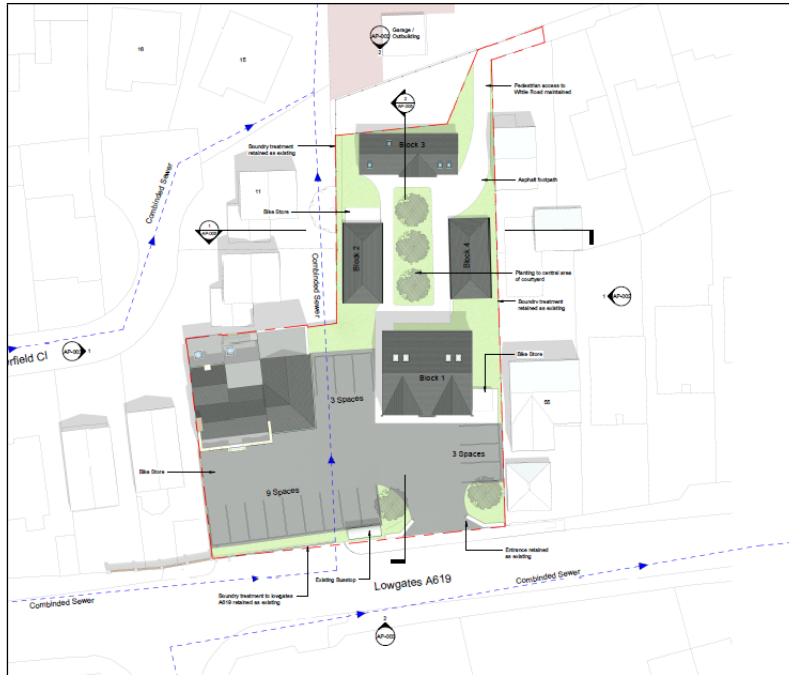
4.1 The application submitted seeks full planning permission for the proposed conversion of the existing public house into 6 no. one-bedroom flats; and the erection of 10 no. one-bedroom flats in four separate buildings within the grounds of the pub on the area of its current car park.



4.2 The four separate new build components of the development proposals comprise:

- Block 1: Two and half storey building to the front of the site containing 6-one bed flats;
- Block 2: Single storey 1-bed flat adjacent to west boundary;
- Block 3: One and half storey building adjacent to north boundary containing two 1-bed flats; and

- Block 4: Single storey 1-bed unit adjacent to east boundary.



4.3 The new build blocks are arranged around a central courtyard area with a pedestrian access from the car park. The existing pedestrian link to White Close is retained in the northeast corner. The scheme also includes proposals for 15 no. parking spaces, a cycle store and bin storage.

4.4 The application submission is supported by the following plans / documents (revised 15/05/2019):

- AE-101 – Existing Floor Plans
- AE-102 – Existing Elevations
- AP-000 – Site Location Plan
- AP-001 – Proposed Site Plan
- AP-002 – Proposed Site Elevations
- AP-003 – Proposed Site Elevations
- AP-004 – Proposed Floor Plans
- AP-005 – Proposed Site Sections
- AP-006 – Existing Site Levels
- AP-007 – Proposed Site Levels
- AP-008 – Site Containment

- AP-102 – Pub – Proposed Floor Plans
- AP-103 – Pub – Proposed Elevations
- AP-201 – Block 1 – Proposed Floor Plans / Elevations

AP-202 – Block 3 – Proposed Floor Plans / Elevations
AP-203 – Block 2 and 4 – Proposed Floor Plans / Elevations

Design and Access Statement

Viability Valuation – *private and confidential* (received 23/05/2019)

Ecological Appraisal (received 24/05/2019)

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site is situated within the built settlement of Lowgates and Woodthorpe ward, in an area predominantly residential in nature.

5.1.2 Having regard to the nature of the application policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS11, CS13, CS17, CS18, CS19 and CS20 of the Core Strategy 2013 – 2031 and the National Planning Policy Framework (NPPF) apply.

5.1.3 In addition the Councils Supplementary Planning Document on Housing Layout and Design ‘Successful Places’ is also a material consideration.

5.2 **Principle of Development**

5.2.1 The application proposes 16 one bedroom dwellings through the conversion of an existing public house and the construction of blocks on the associated car parking area. The application site lies within 200m of the Lowgates Local Centre (as proposed in the Pre-Submission Local Plan) and within 800m of Staveley Town Centre. The proposal accords with the Spatial Strategy (Policy **CS1**), which focuses new housing development close to centres and regeneration areas.

5.2.2 In addition to the above Policy **CS17** requires that the loss of social infrastructure can only be accepted if there is an equivalent facility available in the locality or it can be demonstrated that the current use is economically unviable. In this case, there are other public houses within the immediate area including the Speedwell Inn, and therefore the proposal would accord with this policy.

5.2.3 Having regard to the policy background and the ‘principle’ considerations set out above the development proposals are

considered to be appropriate and acceptable. More detailed consideration of specific material considerations in respect of the remaining policy background are set out below.

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

5.3.1 As initially submitted the application proposals were reviewed by both the **Urban Design Officer (UDO)** and **Crime Prevention Design Advisor (CPDA)** who provided the following comments respectively:

UDO - Conversion of existing pub

The use of the site for residential development is potentially acceptable in principle, subject to meeting the requirements of Policy CS17 (Social Infrastructure).

The site is also considered to be a sustainable location in relation to public transport and access to local facilities.

Subject to satisfying Policy CS17, there is no design objection to the conversion of the existing building, which is considered to make a positive contribution to the streetscene and its retention is supported. Making use of existing openings and limiting opportunities for overlooking towards the neighbouring properties is appropriate. However, the new build element raises a number of design concerns.

Layout and Design

Block 1: Proposed 3-storey building

The proposed 3-storey building (Block 1) would be sited slightly behind the building line of the pub. However, its form, height and scale would be greater than the surrounding development and Block 1 would appear visually challenging within the streetscene and in relation to the neighbouring property in particular. In addition, the 3-storey element would also appear imposing and visually marginalise the primacy of the original All Inn building.

The change in levels to the rear Block 1 further exacerbates its scale, mass and perceived height, as experienced from the back and internal part of the site, creating a visually imposing building and dominating the outlook of the neighbouring houses and gardens to the east.

In light of these concerns it is recommended that the top floor of Block 1 is removed from the scheme and the building is lowered to two storeys in height.

Blocks 2 and 4

Blocks 2 and 4 are single storey buildings, set back from the side garden boundaries by 1m and enclosing the east and west sides of the central courtyard.

The south elevation of Block 2 and the north elevation of Block 4 include two gable windows to overlook the approaches to the courtyard from both the car park and the footpath link from White Close respectively. This is appropriate and supported in principle.

Although Blocks 2 and 4 are single storey in height, the relationship between these blocks and the adjacent properties remains close and could be further improved through the introduction of hipped roofs to these units. This would assist in reducing their visual presence from the adjacent properties and allow more light to reach their modest gardens between the blocks.

Block 3

Block 3 is a two-storey unit positioned centrally adjacent to the north boundary. As with Blocks 2 and 4, the use of hipped or half hipped roofs would assist in moderating the scale and presence of the block and allow more light to reach the areas around the building.

The first floor flat in Block 3 has no outlook and is only lit using rooflights. The introduction of a first floor window / half dormer to the central part of the living area (south elevation) is recommended. Provided this is a modest opening and located centrally this should not unduly impact on neighbour amenity and would provide an outlook from the flat, as well as create a focal point on the building when viewed from the courtyard.

Footpath Link to White Road

The footpath link from the site to White Road is retained and the remains relatively open. The inclusion of two side facing windows to ground floor of Block 3 will provide passive surveillance over this route and assist in maintaining a safe and appealing connection. Nevertheless, the Police Designing Out Crime Officer has identified the existing link as a potential source of nuisance. As such, the

status of the link should be established and possible options explored to close the link to general use.

Parking

Concerns from the DCC Highways regarding the amount of parking on-site are noted. Scope may exist to include two additional parking bays in front of Block 1, perpendicular to the east boundary. This would require repositioning the bin store and reconfiguring the layout to accommodate access and turning within the site.

If combined with a reduction in the amount of development, as recommended above (by removing the top floor from Block 1), this would improve the ratio of parking to accommodation.

Bin and Cycle Storage

Provision of bin and cycle storage is indicated. Cycle storage should be weathertight and secure and details of their design and appearance could be managed by condition. Bin stores should also be screened with landscaping to assist in reducing its visual presence.

It is noted that the Police Designing Out Crime Officer and Yorkshire Water have both made comments in respect of the nature and location of the cycle store. It is therefore recommended that secure purpose designed cycle stores (such as a simple lean-to with door fob or coded access) are located on the blank end/side wall(s) of Blocks 2, 3 and/or 4. Repositioning cycle parking away from the sewer would maintain the easement, better integrate these elements of the design into the scheme and to promote more direct sense ownership of the cycle stores by the occupants of the development.

In addition, it would also enable the 2 parking spaces located between the pub and Block 1 to be set slightly further back (north) from their current position and enable the formation of a more functional turning area within the site.

Landscaping

In the event that planning permission is recommended for approval, details of landscaping, together with its implementation and retention would need to be managed by suitably worded condition.

Details of any external lighting should also be specified to for safety and convenience of the future occupants of the development and in the interests of preserving the amenity of neighbouring residents.

Materials

Details of external materials should be managed by condition.

Conclusion

In their current form the proposals represent an overdevelopment of the site, with Block 1 likely to appear imposing, dominate the outlook from neighbouring properties and incongruous within the streetscene.

Development at the front of the site should be limited to 2-storeys in height to ensure this reflects the scale and mass of the surrounding context. Adjustments to the smaller blocks would also assist in improving the relationship between the buildings and the neighbouring properties, together with revised proposals for cycle storage, parking and whether the link to White Close might be omitted from the scheme.

Subject to securing appropriate revisions to the scheme, conditions requiring details of external materials, hard and soft landscaping, external lighting and bin storage are recommended.

CPDA - *Whilst there are no objections to developing this site for residential occupation in principle, in my view the proposed retention of residential access through the site between Lowgates and White Road would sufficiently affect the amenity of new residents to make the development unacceptable on grounds of community safety policy.*

As this route is currently used for public house parking there are no significant existing issues regarding use and space hierarchy.

As proposed the route runs around enclosed semi-private space, close to a number of private residential curtilages, and emerges onto White Road through a narrow fenced corridor with limited sight lines. There are current and historical indications of damage to fencing around this link. I accept that it probably presents a convenient route to Lowgates and the nearby school to some residents on White Road, but in design it has all of the features

associated with problematic transition points, so to combine with, and lead into a private residential courtyard with an open approach to the definition of space is likely to be a generator of anti-social behaviour and nuisance for new residents in my experience. The legal position of the route isn't explored within supporting documents, nor clearly indicated on site. I note that some pre-application discussion has taken place over the site, so would have thought that it's desirability, or otherwise, as a link must have been discussed.

Beyond this point the development is acceptable as proposed with note that:

The east facing elevation of block 1 has no outlook at all over the footpath route adjacent.

Historically external cycle stores were often included for apartment developments as a requirement of the former code for sustainable homes, but proved unpopular and often sat empty and unused. If the proposed store between existing building and block 1 is a necessity, its form and fittings should be specified to be secure and encourage use, with a masonry, roofed and communally securable outer skin, and ground anchored Sheffield hoops internally (the only detail indicated on elevation drawings looks to show close boarded construction)

As a residential conversion all communal entrances, apartment doors and ground floor windows of the former All Inn should meet the requirements within building regulations approved document Q, relating to the resistance to forced entry. The retention of any existing doors or windows which don't meet with this specification is not permissible. Secure mail delivery provision will need to be included for the public house conversion and new apartment block 1.

- 5.3.2 In response to the comments received from the UDO and CPDA above the applicant met with the Local Planning Authority case officer and UDO to discuss potential amendments to the scheme to address the concerns which had been raised (and those of other consultees also detailed in this report).
- 5.3.3 The prospect of overdevelopment and the adverse impacts upon adjoining neighbouring properties were discussed with suggestions to the design of the scheme to eliminate unacceptable impacts to

neighbouring amenity. A revised package of plans were subsequently received (15/05/2019) following these discussions.

- 5.3.4 The primary concerns of the UDO related to the presentation of the scheme in respect of block 1 and its three storey design and resulting relationship to the neighbours and streetscene. A solution to this was to reconfigure the floor layout of block 1 and move the accommodation of the third floor into the roof space of the building to give it a more appropriate two and half storey mass / scale respective to the streetscene.
- 5.3.5 In respect of blocks 2 and 4 the roofscape of this development was amended to incorporate the hipped lines suggested by the UDO to lessen the visual impact to the immediate adjoining neighbours.
- 5.3.6 In respect of block 3 the roof scape was amended to incorporate the hipped lines suggested by the UDO alongside the introduction of a feature gable to the upper floor unit to provide amenity and outlook.
- 5.3.7 Amendments were also made to the layout and configuration of the site plan, to incorporate amended cycle parking proposals and additional car parking. Outlook to the footpath link to the rear of the site to White Road was also improved; despite the objections made by the CPDA for this route to be closed. It was considered that this route; although not a statutory connection is one used locally and should be retained if possible. The applicant did suggest that they would be amenable to its closure if this was considered necessary but their preference was to maintain the route if necessary. Despite the CPDA's concerns it was considered that the retention of the route adjacent to new properties would improve its status and introduce natural surveillance.
- 5.3.8 Upon the receipt of the revised plans the **UDO** commented:
The revisions appear to be visually better and follow our discussions. One comment re. bike stores is that I would expect these to be secure and weather tight lean-to style additions to the buildings as per my previous sketch. As shown, they appear to be timber enclosures which will not be adequate or visually appropriate and are likely to become tatty in the longer term. A bin store close to the entrance is also recommended. This should landscaped to soften its presence in the streetscene.

- 5.3.9 In respect of these comments it is considered that appropriate conditions can secure the necessary detailing of the cycle and bin storage alongside more detailed hard / soft landscaping to achieve an appropriate final appearance. Furthermore final details of external materials finishes etc can also be the subject of planning condition (as recommended by the UDO).
- 5.3.10 Overall it is considered that as revised the design and appearance of the development proposals are acceptable and they present an appropriate solution to the site redevelopment, whilst preserving the amenity, outlook and privacy of the adjoining and adjacent neighbouring properties. In the context of policies CS2 and CS18 of the Core Strategy, wider NPPF and the Council's adopted Housing Layout and Design SPD 'Successful Places' the proposals are considered to be acceptable.

5.4 **Highways Issues**

- 5.4.1 The application submission has been reviewed by the **Local Highways Authority** (LHA) who initially provided the following comments:

'Although the secure cycle storage is welcomed, the Highway Authority considers that the main issue in respect of this proposal is the extremely limited off-street parking proposed at less than one space per unit and where the Highway Authority would generally look for the provision of one and a half spaces per unit.

Visibility from the access is not ideal which is onto a major classified busy highway. The existing use is appreciated and it is acknowledged that this will generate a number of vehicular movements to and from the site, however, 16 No. flats will also, potentially, generate a significant number of vehicular movements, a proportion of which will be at peak times. It is not felt that limiting the number of parking spaces within the site will necessarily reduce vehicular movements on the basis that there is the potential for vehicles to enter the site and immediately have to exit if there were no spaces available. Vehicular movements for the current and proposed use of the site should be comparable. It was also noted that there are no parking restrictions in the immediate vicinity of the site on Lowgates and there is, therefore, the potential for

vehicles to park on Lowgates thereby disrupting the free and safe flow of traffic on a busy major route.

In view of the above, the Highway Authority recommends refusal of the proposal for the following reason.

No adequate provision is included in the application proposals for the parking of vehicles clear of the public highway which would be likely to result in parking on the public highway which is against the best interests of highway safety and could interfere with the safe and efficient movement of traffic on Lowgates.

In the event you are minded to grant planning permission I would be obliged if you could revert back to the Highway Authority for further comments.'

- 5.4.2 Having regard to the comments received above (and other matters raised in the application process) the applicant has revisited the site layout proposals with a view of maximising car parking and cycle parking provision on site to address the initial concerns of the LHA. As a result of site layout revisions the scheme has increased on site parking provision from 11 no. spaces up to 15 no. spaces. In addition the proposed site layout also includes a structure which will provide secure cycle parking on site.
- 5.4.3 Whilst it is accepted that the 15 no. spaces now included in the scheme still equates to just below 1 no. space per unit (16 no. units in total) the site is located in Staveley Town Centre, within walking distance of local amenities and on a main road which is a bus route (the bus stop is located immediately outside the application site). In this regard under the provisions of policy CS1 and CS20 of the Core Strategy and the wider NPPF a scheme with no on site parking provision could be accepted in this location. It is therefore considered given the type of accommodation being proposed, the sites proximity to the town centre and local amenities and the level of on-site parking which can be provided, the perceived impacts of the development proposals upon highway safety are not substantiated and the scheme should be accepted. The presence of the bus stop prevent parking on street immediately in advance of the application site, and beyond that it is unlikely that a vehicle would choose to park on the A619 / Lowgates given the high levels of traffic. Vehicles may overspill onto adjacent streets, but

realistically the type of accommodation proposed is unlikely to equate to a 1:1 car ownership ratio.

- 5.4.4 The concerns of the LHA in relation to the exit visibility from the site are noted; however whilst the level of visibility is unlikely to meet current highway standards the access is currently in use serving the car park of the public house and its associated 33 no. car parking spaces. The images below show the level of visibility available, which is better in the critical direction that the non-critical direction but given the fall-back position of the site current use (and deemed use class changes) it is not considered that this could sustain a defensible reason for refusal. Overall therefore it is not considered that a defensible reason for refusal on the grounds of highway safety could be sustain against these development proposals and therefore the provisions of policies CS2 and CS20 of the Core Strategy are met. It would however be necessary to require the car parking and cycle parking to be provided in accordance with the developments proposals by appropriate planning condition (to be retained thereafter in perpetuity).



5.5 Flood Risk / Drainage

- 5.5.1 The application submission indicates the developers intention to connect the new development to existing mains drainage and in this regard having regard to the provisions of policy CS7 of the Core Strategy the application submission has been reviewed by the Council's **Design Services (DS)** team, the **Lead Local Flood Authority (LLFA)** and **Yorkshire Water Services (YWS)**. The following comments have been received:

DS - The site is not shown to be at risk of flooding on the Environment Agency flood maps. A public combined sewer is shown to run through the site, which the applicant seems aware of and is noted on their layout drawings. Yorkshire Water may require an easement for access to this sewer, with an area where no building is permitted to be constructed. Yorkshire Water should be consulted on this. We would wish to see drainage details for this site prior to full approval.

LLFA - We are recommending a holding objection on the proposed development as it is not possible to provide an informed comment until such a time that the applicant has submitted further information.

As a statutory consultee for surface water the minimum details required on all major planning applications are as follows:

- Site plan and impermeable area*
- Topographic survey of the site*
- Appropriate evidence to support how the site will drain, including confirmation of where the surface water will outfall to (photographs / maps / a confirmation letter from a water company)*
- Basic calculations of the greenfield/brownfield runoff and discharge rates, (refer to Point J in the Advisory Notes)*
- A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location*
- Calculations should include allowances for the current Environment Agency guidance for climate change and urban creep (Refer to Point J in the advisory notes)*
- Basic ground investigation (desktop survey as a minimum)*
- Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (as per National Planning Policy Framework 165). These details are required at the early planning stage to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage.*

Please note the level of detail submitted should be proportionate to the size and scale of the development.

YWS - On the Statutory Sewer Map, there is a 300mm diameter public combined sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme and a stand-off distance of 3 (three) metres is required at each side of the sewer centre-line.

It appears from the submitted site layout shown on drawing AP-001 that has been prepared by Brightman Clarke Architects that the bike store will be sited over the public sewerage system located within the site. This could jeopardise Yorkshire Water's ability to maintain the public sewerage network and is not acceptable. We therefore OBJECT to the development layout as currently shown. Prior to determination of this application, the site layout should be amended to allow for adequate protection of the sewers. A re-submitted drawing should show the site-surveyed position of the public sewer crossing the site and the required building stand-off from public sewer.

5.5.2 Having regard to the comments received above, it is noted that whilst a general survey of the application site with existing drainage infrastructure is included in the application submission plan; a full drainage strategy is yet to be prepared. The applicant has included in their revised site layout plan the necessary 3m easement to the public sewer crossing the site to address the objection of YWS, and an appropriate planning condition can be imposed on any permission issued to ensure the easement is protected in the future. Furthermore they have indicated that a full drainage strategy would be developed if planning permission was to be ascertained, but the survey details submitted on the revised layout plan show that connections are available in the immediate locality.

5.5.3 Despite the holding objection from the LLFA, it is not unusual for the drainage strategy to be developed post permission in accordance with a pre-commencement planning condition and the applicant has indicated they would accept the imposition of such a condition. The details of such a strategy are likely to include site investigation works (percolation testing) and attenuation calculations for any surface water drainage connections. This approach would be in accordance with policy CS7 of the Core Strategy and the wider NPPF and is sufficient to overrule the holding objection of the LLFA and YWS to make the development acceptable.

5.6 **Land Condition / Contamination / Noise**

5.6.1 In respect of land condition the site the subject of the application lies within a defined 'standing advice' area of the **Coal Authority**

which means there is a lower risk of the site being affected by the presence of unrecorded coal mining legacy. In such areas the Coal Authority does not require a Coal Mining Risk Assessment and they simply ask that if permission is granted an advisory note be appended to any planning decision notice as follows:

'The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority'

5.6.2 In respect of potential land contamination and noise issues arising from the development the Council's **Environmental Health Officer** (EHO) was consulted on the application submission, however they did not provide a response to the consultation.

5.6.3 Notwithstanding the above, given the proximity of the development proposals to existing residential neighbours it would be appropriate to control construction hours of any new development in the interests of neighbouring amenity.

5.7 **Biodiversity**

5.7.1 The site the subject of the application is located in the built up area, where the biodiversity value of the site is low having regard to its current status and land use. As a previously developed site there is little in the way of soft landscaping (trees / hedgerows) to preserve or enhance; but the development proposals will offer an opportunity to incorporate some new soft landscaping and biodiversity enhancement measures (such as bird and bat boxes) onto the new buildings. Policy CS9 of the Core Strategy requires all new developments to achieve a net gain in biodiversity.

5.7.2 **Derbyshire Wildlife Trust** (DWT) were also invited to examine the application submission having regard to the provisions of policy CS9 of the Core Strategy and the following comments were received:

The application area appears to be of generally low ecological value, being dominated by hardstanding. The Trust do not hold any records of protected species or notable habitats on or immediately

adjacent to the site, although multiple Local Wildlife Sites and potential Local Wildlife Sites are present in the local area, providing optimal foraging habitat for bats.

Given the re-development of the pub building, it is recommended as a minimum that a Preliminary Bat Roost Assessment is undertaken prior to determination by a suitably qualified ecologist (<http://events.cieem.net/ProfessionalDirectory/Professional-Directory.aspx>). Evidence of nesting bird activity should also be recorded.

The results of the assessment should be presented in accordance with current guidelines, such as Ecological Report Writing (CIEEM, 2017), British Standard BS 42020: 2013 and Bat Conservation Guidelines (Collins, 2016). The report should make clear the requirement for any further survey work and it should be noted that if further survey is required, this should be undertaken prior to determination of the planning application.

As planning decisions should aim to achieve a net biodiversity gain (NPPF 2019), the report should include any requirement for licensing and details of mitigation and enhancement measures appropriate to the site.

- 5.7.3 Having regard to the comments made by DWT above the applicant commissioned an Ecological Assessment of the existing building and this was submitted on 24/05/2019 for further consideration.
- 5.7.4 At the time of writing this report DWT had not returned their comments on the Ecological Assessment however it can be reported that this Assessment included inspection of the building by a suitably qualified ecologist who concluded that the building was not the subject of any existing bat roosting activity. The assessment made recommendations in respect of bird and bat boxes which should be incorporated into the development to mitigate and enhance the scheme and secure ecological / biodiversity enhancement in accordance with the provisions of policy CS9 of the Core Strategy and the wider NPPF.

5.8 Community Infrastructure Levy (CIL)

5.8.1 Having regard to the nature of the application proposals the development comprises the creation of 16 no. new dwellings and the development is therefore CIL Liable.

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

		A	B	C	D	E
Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
691	303	388	£20 (Low Zone)	307	288	£8,272

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

5.8.3 In respect of the above calculation the existing floorspace of the public house can be discounted from the CIL liability, if the floorspace remains in a lawful use for a period of no less than 6 months in the last 3 years (from the date the development becomes CIL liable).

5.9 Other Considerations

S106 / Planning Obligations

5.9.1 Having regard to the nature of the application proposals several contribution requirements are triggered given the scale and nature of the proposals. Policy CS4 of the Core Strategy seeks to secure necessary green, social and physical infrastructure commensurate with the development to ensure that there is no adverse impact upon infrastructure capacity in the Borough.

- 5.9.2 Consultation has therefore taken place with the Councils own **Economic Development** team, the **County Council (DCC) Strategic Planning** team and the **North Derbyshire Care Commissioning Group (CCG)** on the development proposals to ascertain what specific contributions are triggered.
- 5.9.3 The responses have been collaborated to conclude a requirement to secure a contribution in respect of Affordable Housing (Policy CS11); up to 1% of the overall development cost for a percent for art scheme (Policy CS18); and it will be necessary to look to secure the requirement for local labour (best endeavours), which is standard approach taken to deal with local labour / supply as required by the provisions of policy CS13 for all major development schemes.
- 5.9.4 The DCC Planning team has also responded setting out the infrastructure needs arising from the development proposals; which relate to broadband and waste. The DCC Planning team have confirmed that a development of solely one bed flats would not trigger an education contribution as they assume families will not occupy this type of accommodation. Broadband provision is now dealt with under building regulations and waste dealt with by separate matters / initiatives.
- 5.9.5 Turning to the matters of contributions to affordable housing the scheme proposes a total of 16 no. units and therefore triggers the provisions of policy CS11 that requires that all new developments for 15 or more new dwellings deliver up to 30% of them as affordable and/or special needs housing. In addition, the NPPF requires (paragraph 64) that where major development involving the provision of housing is proposed, planning decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:
- a) provides solely for Build to Rent homes;
 - b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
 - c) is proposed to be developed by people who wish to build or commission their own homes; or

d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.

- 5.9.6 The Council's own **Housing Services** team were invited to review the application submission and in subsequent conversation with them the case officer established that it was unlikely the type of accommodation being proposed was something that was not already provided for in the local area by local housing stock. Furthermore given the fact the scheme was for 16 no. units, they advised it unlikely a registered provider would be interested in taking on such a small pocket of units (30% max. contribution would = 4.8 units) and therefore if anything in the way of an Affordable Housing contribution was to be sought a commuted sum would be the most appropriate / feasible in this case.
- 5.9.7 Given the location of the site and the Council's own knowledge of viability undertaken as part of establishing a CIL charging schedule, it is understood that sites in Staveley have low viability and therefore it is known that despite the up to 30% policy requirement set in policy CS11, a benchmark of up to 10% is a more realistic figure of affordable housing delivery in these locations (the low zone for CIL).
- 5.9.8 In respect of the above Policy CS11 allows for the submission of a viability appraisal to negotiate the appropriateness of such contributions, as the LPA should be mindful sites like the one proposed are highly likely to developed by smaller scale developers who already take much smaller profit margins and higher risks to deliver development than volume house builders. In this case (also mindful of the triggered need for a percent for art contribution (policy CS18) as well) the developer was invited to provide this information and on the 23/05/2019 a viability appraisal was received from the applicant. The details submitted (although private and confidential) have been appraised by the LPA and it is clear that this site is finely balanced in terms of its viability without factoring in any planning obligation contributions.
- 5.9.9 It is already the case that the scheme is CIL liable and CIL is a non-negotiable charge to the developer. Taking this into account the appraisal reveals that the developer looks to only make a 4% profit on the development of this site, without factoring in an affordable housing and percent for art contribution, and if such

charges were imposed the scheme would become unviable and the site would not be developed.

5.9.10 Having regard therefore to the issues set out above it is considered that a contribution to affordable housing and percent for art cannot reasonably be required on this development proposal. On balance however it is considered that despite the requirements of policy CS11 and the NPPF, greater weight should be given to other material considerations. On balance it is considered that there are outweighing social, environmental and economic benefits for accepting the scheme without securing the contributions being sought.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 20/02/2019; by advertisement placed in the local press on 28/02/2019; and by neighbour notification letters sent on 19/02/2019.

6.2 As a result of the applications publicity there have been 11 representations received and comments made by Staveley Town Council as follows:

Staveley Town Council

Two Councillors have expressed concern about potential increased traffic onto the main road;
One asked for clarification about the future of the public footpath at the rear of the pub;
One raised concern that previous pub conversion schemes have not been progressed (Elm Tree and the Victoria); and
The issue of capacity for parking for tenants on site was raised.

1. A Local Resident

I agree with the Design & Access Statement and support the proposed buildings' appearance, including the references to the All Inn building. However, similar applications at the Victoria and the Elm Tree have not started at present, despite the granting of planning permission.

2. 55 Lowgates

I write to express my concern over the proposed block 3 on the site. This block will be adjacent to our property which has three

rooms to this side elevation which rely on light from that side of the building.

Room 1 - Kitchen.

Room 2 - Main family bathroom.

Room 3 - Ensuite Bathroom.

These rooms rely upon light from these windows as their only source and we are concerned that block 3 will block light to these rooms.

Would it be possible to have some clarification on the exact location of this proposed building please? My objection is not to the building but to the loss of light into our property dependent upon it's location. If it were to be moved back slightly to allow the light to remain I believe this would remove this issue. Alternatively please advise on the current standards in terms of property proximity for lighting related matters.

I would welcome an assessment from inside my property to fully understand the issue that I have raised.

3. 40 White Road

Block 3 which backs onto our garden appears to butt up to our boundary fence which would make maintenance difficult, could you please give some indication as to how close it is. On drawing AP001 it shows the extent of our garden as a L shape in pink, our garden also includes the section to the north of the site which doesn't seem to be designated as ours.

The above planning application indicates 16 properties and only 11 parking spaces which is a shortfall as the Government guidance on Housing encourages Local Planning Authorities to develop parking policies for residential developments in their plan area. The Local Planning Authority recognises that many households now have more than one car and therefore the following figures are expressed as minimum requirements,

Apartments 1 – 2 bedrooms 1.5 spaces plus an element of visitor parking calculated at one space per 5 dwellings (commencing at 5 dwellings).

Could you please indicate where the overspill would park.

4. 6 Ralph Road

Stance: Customer objects to the Planning Application

Comment Reasons:

- Policy
- Traffic or Highways

Comment: Insufficient parking spaces will result in chaos on Ralph road especially with the school situation

5. 25 Netherthorpe

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment: Very busy - school - danger to children 16 units but 9 parking spaces, antisocial behaviour tenants.

6. 15 Marshfield Grove

I object to the planning application for the following reasons:

1. Local Economic Need – Staveley is dominated by social type housing and the development of 1 bed flats are assumed to be for the rental market. Staveley needs good quality private housing to lift the market and redress the balance. Private housing brings disposable income for economic recovery – this development contributes nothing. The Victoria PH already has permission to be converted to cover any need;
2. Employment - No jobs will be created as the developer will sue their existing workforce;
3. Local Character – The PH is bordered on all side by private housing and therefore building 1 bed flats in this predominantly private housing area will be out of character with the immediate area. I understand the PH was once a house and I would urge the Council to put this historic building back into its former use.
4. Anti Social Behaviour – Staveley already has numerous blocks of flats with ASB problems, they are well known for drugs and alcohol as many residents are single, unemployed males who are involved. Building another set of flats will no doubt facilitate this kind of behaviour and bring it to communities living either side.
5. Traffic and Highways – there are more flats than on site parking so where will vehicles park? Ralph Road is already congested and at peak times there is high demand due to the proximity to the school.

I urge planning committee to take local views into account and reject the development or ask for design changes to meet local needs and challenges. The site could be redesigned for semi-detached or town houses as starter homes for young, which I'm sure will not generate any objections.

7. 7 Netherfield Close

The proposed conversion of the all inn and the building of a new 3 storey building are not in keeping with the existing properties i.e. bungalows, semi and detached houses.

The proposal is to build 16 flats this raises the issue of parking.

There's a possibility for each flat to have 2 adult occupants each of which could own a motor vehicle this would give a total of 32. The plans show that there is parking for only 11 vehicles, where would the remaining 21 vehicles park. Consideration should also be given to where visitors would park.

There is also the issue of antisocial occupants.

8. Milton Lodge, Milton Place

Stance: Customer objects to the Planning Application

Comment Reasons:

- Traffic or Highways

Comment: Congested now! Junction/residents/Netherthorpe

School/scrap yard. Inadequate

Parking!!! Child safety

9. 8 Netherthorpe

Stance: Customer objects to the Planning Application

Comment Reasons:

- Traffic or Highways

Comment: This junction & zebra crossing is very busy-no spaces to park-overpopulated? is the bus stop moving?

The junction of Ralph Rd and the main road is extremely busy – esp. at school times;

The pedestrian crossing causes queues but is essential – this would increase with a higher population;

Where would the bus stop move to?;

The bin store appears to be too small and where is the bin lorry going to park when they are emptied? On the main road?;

Are the flats for sale or rent, and what clientele are the flats aimed at?; and

Will this area become overpopulated with nowhere to park – White Road and Ralph Road are already congested with parked cars.

10. 36 White Road

I object to the above application;

1. There will be 18 flats, a min. of 18 cars and max. of 36 cars, but only parking for 11 cars so where will the other park? The adjacent

roads are already full with parked cars, so that just leaves the main road where there are no yellow lines so this would cause havoc.

2. There will be congestion at the junction of Ralph Road, esp at rush hours and school times.

3. The entrance is near the ped. crossing which is on a busy road near junctions and I have seen people use the crossing but have to run as cars have not seen the red lights.

4. There are already plans for the Victoria PH and Elm Tree PH so why do we need more. Would family housing not be better?

11. 29 White Road

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways
- Visual

Comment: Object. Too close to existing residential boundaries, anti social behaviour.

6.3 ***Officer Response: See section 5.0 above and all material planning considerations set out.***

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with 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 able to demonstrate its compliance with policies CS1, CS2, CS3 and CS4 of the Core Strategy in so far as its ability to provide connection (and where necessary improvement) to social, economic and environmental infrastructure such that the development meets the definitions of sustainable development.

9.2 The application submission is supported by the preparation of assessments and reports which illustrate the proposed developments ability to comply with the provisions of policies CS7, CS8, CS9, CS13, CS18, CS19 and CS20 of the Core Strategy and where necessary it is considered that any outstanding issues can be addressed in any subsequent reserved matters submission or any appropriate planning conditions being imposed.

9.3 Whilst it is noted that the application does not strictly accord with the developer contributions sought in respect of policies CS11 and CS18 of the Core Strategy sufficient viability evidence has been presented with the application submission such that it is concluded the wider social, environmental and economic benefits of the scheme outweigh the contribution requirements of these development plan policies.

10.0 **RECOMMENDATION**

10.1 That a CIL Liability notice be issued as per section 5.8 above.

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

Conditions

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.

- AE-101 – Existing Floor Plans
- AE-102 – Existing Elevations
- AP-000 – Site Location Plan
- AP-001 – Proposed Site Plan
- AP-002 – Proposed Site Elevations
- AP-003 – Proposed Site Elevations
- AP-004 – Proposed Floor Plans
- AP-005 – Proposed Site Sections
- AP-006 – Existing Site Levels
- AP-007 – Proposed Site Levels
- AP-008 – Site Containment
- AP-102 – Pub – Proposed Floor Plans
- AP-103 – Pub – Proposed Elevations
- AP-201 – Block 1 – Proposed Floor Plans / Elevations
- AP-202 – Block 3 – Proposed Floor Plans / Elevations

AP-203 – Block 2 and 4 – Proposed Floor Plans / Elevations

Design and Access Statement

Viability Valuation – *private and confidential* (received 23/05/2019)

Ecological Appraisal (received 24/05/2019)

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

Reason - In the interest of satisfactory and sustainable drainage.

04. No development shall take place until details of the proposed means of disposal of foul and 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.

05. No building or other obstruction shall be located over or within 3 (three) metres of the line of the sewer, which crosses the site.

Reason - In order to allow sufficient access for maintenance and repair work at all times.

Highways

06. Before any other operations are commenced (with the exception of the condition above), space shall be provided

within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason – In the interests of highway safety.

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

Reason – In the interests of highway safety.

08. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Reason – In the interests of highway safety.

09. A residential charging point shall be provided for the additional dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

Reason - In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.

Others

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

Reason - In the interests of residential amenities.

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

Reason - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.

12. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.

Reason - In the interests of the amenities of occupants of adjoining dwellings.

13. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. The hard landscaping scheme shall take account of any established root protection areas to retained trees on site and may require alternative measures of construction and finishes to be considered.

Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

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

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

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

15. Prior to the commencement of development a detailed enhancement strategy that provides details of enhancement measures for roosting bats and nesting birds shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.

Please note that it is expected that provision is made within the new dwellings (as integral boxes) rather than in retained trees to ensure that the roost and nest boxes cannot be tampered with and are secure in the long-term.

Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.

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.

Coal Authority

03. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority
04. 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.
05. 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.
06. 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.

07. 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 month's 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.
08. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.
09. Please note that this permission is issued together with a separate Community Infrastructure Levy (CIL) Liability Notice, to which the developer should also refer. The developer should note the terms of the CIL Liability which is triggered upon commencement of development.

Further information can be found on the Council's website using the following web address
www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx
or alternatively please contact the Infrastructure Planning Officer (Rick Long) on 01246 345792.