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File No: CHE/18/00605/FUL
Plot No: 2/933

ITEM 1

REFURBISH AND EXTEND EXISTING PROPERTY AND CHANGE USE TO RESIDENTIAL CARE HOME FACILITY AND DEMOLITION OF EXISTING ANCILLARY BUILDING TO THE REAR AND ERECTION OF THREE STOREY BUILDING TO CREATE ASSISTED LIVING FACILITY (REVISED PLANS RECEIVED 05/11/2018, 16/11/2018 AND 22/11/2018) AT 6 ASHGATE ROAD, ASHGATE, CHESTERFIELD, DERBYSHIRE, S40 4AA FOR WILLIAM MAY DEVELOPMENTS LTD

Local Plan: Unallocated
Ward: Brockwell

1.0 CONSULTATIONS

Local Highways Authority	Comments received 14/11/2018 – see report
Strategic Planning Team	Comments received 25/09/2018 and 22/11/2018 – see report
Design Services	Comments received 01/10/2018 – see report
Environmental Health Officer	Comments received 20/09/2018 – see report
Yorkshire Water Services	Comments received 11/10/2018 and 07/11/2018 – see report
Lead Local Flood Authority	Comments received 01/10/2018 and 19/11/2018 – see report
Crime Prevention Design Advisor	Comments received 25/09/2018 and 12/11/2018 – see report
C/Field Cycle Campaign	No comments received
Coal Authority	Comments received 11/10/2018 and 15/11/2018 – see report
Tree Officer	Comments received 06/11/2018 – see report
Urban Design Officer	Comments received 03/10/2018 – see report
Derbyshire Wildlife Trust	Comments received 08/10/2018 – see report

DCC Archaeology	Comments received 08/10/2018 and 19/11/2018 – see report
North Derbyshire CCG	No comments received
CBC Housing Services	No comments received
Ward Members	1 no. representation received
Site Notice / Neighbours	78 no. representations received

2.0 **THE SITE**

- 2.1 The site is situated in the established primary residential area of Brockwell, north west Chesterfield Town Centre, and comprises of No 6 Ashgate Road and land to the rear of this building.
- 2.2 The site area extends to 0.208ha comprising the existing buildings, existing vehicular and pedestrian entrance from Ashgate Road onto surfaced frontage and access to rear adjacent eastern boundary.
- 2.3 The built structures within the site are No. 6 Ashgate Road (fronting Ashgate Road) and ancillary building, located towards the southern boundary. The site slopes downwards from north to south, with a level plain east to west. Along the southern boundary, mature trees within the hedges lead to an open green area currently used by Inspire Community Garden. The western boundary is adjacent to an existing car parking facility which was also sold to the developer by the Council and which features mature trees adjacent no. 6 Ashgate Road. The northern boundary fronting Ashgate Road has painted metal railings with open entrance at junction of north-eastern and north-western corners. To the east the site is bounded at Ashgate Road by commercial buildings (Shorts Accountants).
- 2.4 No. 6 Ashgate Road is an attractive two/three storey detached brick property under a slate roof. Decorative stonework, attractive fenestration and Dutch gables contribute to the buildings architectural interest. Due to the sloping nature of the site, the building is two-storeys in height at street level and three-storeys at the rear. To the rear and south of 6 Ashgate Road is a large detached, single story brick building, which is believed to be the garage associated with the former Territorial Army use of the site. It has also been used as a bakery and latterly for storage.

2.5 The space between the two buildings is used for parking. No. 6 has previously been used as office space, premises for the Womens Royal Voluntary Service (WRVS) and home to the African /Caribbean Community Association (ACCA).

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/18/00786/DEM - Demolish ancillary building to rear of 6 Ashgate Road. Still pending consideration.

3.2 CHE/0997/0513 - Change of use from ground floor offices to community centre. Conditional permission granted 17/12/1997.

3.3 CHE/0492/0247 - Improvement of access to and extension of car park. Conditional permission granted 10/06/1992.

4.0 **THE PROPOSAL**

4.1 This is an application submitted in full for the proposed extension and refurbishment of No 6 Ashgate Road to form a care home; and the demolition of the ancillary garage building to the rear of No 6 Ashgate to erect a separate assisted living facility.

4.2 The care home element of the proposals are formed through the retention and refurbishment of No 6 Ashgate Road, with the addition of a three storey extension positioned on the rear elevation of No 6, to create an 18 no. bedroom care home facility. Additional accommodation includes a main lounge, kitchen, meeting room, quiet room, office, activity room, upper lounge and training kitchen.

4.3 The assisted living facility element of the proposals is formed as a new build three storey building located within the southern half of the application site. The facility, which is contemporary in design, includes 15 no. 1 bed units and a communal lounge and training kitchen at ground floor.

4.4 Access to the site is taken from the existing northern access off Ashgate Road, which is modified and widened to create a shared driveway serving both the care home and assisted living facility. The driveway incorporates a 9m x 9m turning area and serves 10 no. car parking spaces provided on site. The eastern access to Ashgate Road is also proposed to be retained to serve the bin

store area located on the eastern boundary of the site. 1.8m high close boarded boundary fencing is proposed alongside retention of some existing boundary treatments to the east and 2m high 'tobermore' retaining walls are proposed to the south / south western boundary.

4.5 The application submission is supported by the following plans / documents:

- WM/AR/LP1 – Site Location Plan
- WM/AR/6EX – Existing Plans
- WM/AR/SL1 Rev D – Proposed Site Layout (rec'd 22/11/2018)
- WM/AR/AL1 Rev B – Proposed Assisted Living Elevations & Floor Plans (rec'd 22/11/2018)
- WM/AR/CH1 Rev B – Proposed Care Home Elevations & Plans (rec'd 16/11/2018)
- WM/AR/LEV Rev A – Proposed Site Sections (rec'd 22/11/2018)

- Design and Access Statement by Carlton Design Architecture Ltd
- Asbestos Management Survey by Environmental Essentials Ltd dated August 2016.
- Asbestos Management Report by Environmental Essentials Ltd dated January 2017.
- Demolition Method Statement by WMD Limited dated July 2018
- Sustainability Statement by Carlton Design Architecture Ltd
- Ecological Appraisal by Encon Associates dated July 2017
- Bat Survey Report by Encon Associates dated September 2017
- Desk Study Report by Nicholls Colton Geotechnical dated October 2014.
- Geoenvironmental Appraisal by iD GeoEnvironmental Consulting Engineers dated April 2017
- Aspire Health Care Introductions

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

- 5.1.1 The site is situated within the built settlement of Brockwell ward, in an area of frontage of the Town Centre which transitions from commercial to residential in nature.
- 5.1.2 Having regard to the nature of the application policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS11, CS13, CS18, CS19 and CS20 of the Core Strategy 2013 – 2031; HSN1 (allocation) of the Local Plan 2006; 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 current application is on a part of a site allocated for housing purposes in the adopted Local Plan (consisting of the 2013 core strategy and saved allocations of the 2006 RCDLP). There is also an informal planning brief that has been prepared for the site.
- 5.2.2 The principle of development for residential purposes is already established. Although the current application would fall within use classes D1 and C2, the same locational principles apply.
- 5.2.3 The site is well located in respect of the facilities available in Chesterfield Town Centre and on a high frequency bus route (services 2 and 39) and meets the requirements of the council’s spatial strategy set out in policies CS1 and CS2.
- 5.2.4 Although not listed, the existing No 6 Ashgate Road does contribute positively to the character of the area and its retention is in line with policy CS19 and the planning brief.

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

- 5.3.1 The application site is a generous plot which shares its common boundaries with a variety of uses ranging from allotments, commercial car parking, offices and community uses / building; with the only neighbouring residential uses being located on the opposite side of Ashgate Road to the north. As an edge of centre site the use of the site for residential purposes is acceptable in principle given its sustainable nature of the location and the

transition evident in the locality between commercial and residential.

- 5.3.2 No 6 Ashgate Road presents its principle façade to the street frontage and it is a pleasant and locally significant building with some traditional architectural merit. The rear extension proposed to No. 6 Ashgate Road would add additional capacity to the building; and a further detached building to the rear would make good use of the site in terms of the amount of accommodation that is able to be provided.
- 5.3.3 The layout and arrangement of the extension and new building to the rear is generally well considered and the buildings represent a proportionate amount of the site coverage.
- 5.3.4 The initial application submission was reviewed by the Council's **Urban Design Officer (UDO)**, **Conservation Officer (CO)**, the **DCC Archaeologist (DCC Arch)** and the **Crime Prevention Design Advisor (CPDA)**. In their responses the DCC Arch confirmed that the site was not of archaeological interest; however the CO confirmed that No 6 Ashgate Road was a building of local architectural interest.
- 5.3.5 The UDO, CO and CPDA all expressed a series of initial concerns about the design and finish of the extension to No 6 and the new building to the rear. As a result of these concerns the applicant sought to amend the scheme to address the issues and evolving iterations of the design were worked through between the applicant, the case officer and the UDO during the application process.
- 5.3.6 Both the extension to No 6 and the new building to the rear of the site are contemporary in design, which individually take cues from the architecture of No 6 and the surrounding area. This includes appropriate window proportions (with vertical emphasis) and a mixture of contemporary and traditional materials (red facing brickwork and grey cladding) to replicate tones, colours and finishes in the local vernacular. As revised the form and vertical emphasis of the extension to No. 6 achieves a more satisfactory relationship with the host building, albeit a contemporary approach, however similar design approaches have also been accepted on the Shorts Accountants building and the new Medical Centre neighbouring the site.

5.3.7 Overall in considering the latest package of revisions, the scheme represents a vast improvement to the initial submission and the positive and proactive engagement of the applicant to incorporate the UDOs suggested changes has been welcomed. The changes made to the scheme now incorporate a stronger common architectural language across both builds (form, windows, materials) and together with a simplified palette common to both buildings this now helps to tie them together in a more coherent relationship. The opportunity to meet with the applicant / architect to discuss and understand proposed construction methods and operational requirements of the end user also led to an appropriate compromises being made and overall the design and appearance of the revised scheme is considered acceptable. The design, siting, scale and layout do not give rise to any adverse impacts upon the adjoining / adjacent neighbouring properties by virtue of overlooking, overshadowing and overbearing and the final choice of materials should be managed by way of condition.

5.3.8 Overall it is considered that the siting, design and scale of the development proposals are acceptable having regard to the provisions of policies CS2, CS18 and CS19 of the Core Strategy.

5.4 **Highways Issues**

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

The submitted details propose extension and Change of Use of an existing building to create an 18no. bedroom Care Home and erection of a new 15no. bedroom Supported Living building to the rear of the site all served by the existing vehicular access at the western extremity of the site frontage.

The Application Form suggests that no modifications are proposed to the access arrangement. However, permanent closure of the eastern access will require reinstating the fronting kerbs and footway to an appropriate level. In addition, it's considered that the retained, western, access and initial length of driveway should be of sufficient width to enable two vehicles travelling in opposite directions to pass i.e. recommended 5.5m width unless demonstrated otherwise by means of appropriate vehicle swept

paths. This would involve widening of the dropped kerb crossing of the footway.

When bearing in mind the nature and use of Ashgate Road, it's recommended that the vehicular access is afforded with exit visibility sightlines of 2.4m x 47m to the nearside carriageway channel in each direction, all areas in advance of the sightlines being over controlled land/ existing highway and maintained clear of any obstructions greater than 1.0m in height (600mm in the case of vegetation) relative to the same channel level. It would appear that the applicant is within control of adequate frontage to accommodate satisfactory exit visibility.

Any narrower section of driveway beyond the initial length should be intervisible with further passing opportunities in order to reduce the likelihood of overlong/ awkward reversing manoeuvres being required.

A turning facility suitable for use by the largest vehicles likely to frequently visit the site (normally a typical service/ delivery vehicle) should be provided clear of adequate off-street parking to serve the entire development. The Highway Authority recommends demonstration of a 9.0m x 9.0m turning facility unless suitability of an alternative layout is demonstrated by means of appropriate swept path analysis. It should be noted that current guidance recommends minimum parking space dimensions of 2.4m x 5.5m with an additional 0.5m of width to any side adjacent to a physical obstruction e.g. wall, hedge, fence, etc.

Provision of a bin store is noted. It's assumed that this meets with the requirements of the local refuse service and they are prepared to collect from the area shown.

Therefore, it's recommended that the applicant is requested to submit revised details demonstrating measures to satisfactorily address the above access and manoeuvring issues.

If you are minded to determine the application as submitted, the Highway Authority would be grateful to receive further opportunity to provide recommendations.

- 5.4.2 As a result of receiving the comments above from the LHA the scheme was amended (alongside other external design changes) and the driveway width was increased to 5.5m in line with the LHA's comments. It was also confirmed that the applicant did not intend on closing the other site access (to the eastern end of the site) as this was to be retained to facilitate bin / waste collection from the bin store proposed in this location.
- 5.4.3 The access exit visibility was increased and shown on the amended site layout measuring 2.4m x 47m as per the LHA's comments; and the car parking spaces dimensions were also increased to 2.4m x 5.5m to also satisfy the comments of the LHA.
- 5.4.4 The LHA were consulted on the revised details (as they requested) however at the time of writing this report their further comments had not been received. Notwithstanding this, the determination of the application cannot be held up by the LHA whose comments are delayed.
- 5.4.5 Given that the amendments made to the scheme accommodate all of the changes the LHA sought in their initial comments there are no outstanding highway safety matters or concerns. The applicant has confirmed that waste collection will take place from the highway at the secondary access point which is considered to be acceptable and the 9m x 9m turning space provided within the site will enable adequate on site turning provision clear of any parking provision. Furthermore given the edge of centre location, the site is well served by public transport links / connections and therefore the level of on site parking provision is also acceptable. It is unlikely, having regard to the intended service users of the facility that they themselves will require any on-site parking.
- 5.4.6 Overall therefore, subject to the imposition of appropriate conditions requiring the access amendments, parking provision and turning areas to be provided prior to the facility being brought into first use and a site compound being provided during the construction phases, there are no highway safety concerns arising from the development and it therefore meets the provisions of policies CS2, CS18 and CS20 in respect of highway safety.

5.5 Flood Risk & Drainage

5.5.1 In respect of issues concerning flood risk and drainage and under the provisions of policy CS7 of the Core Strategy the application submission indicates that the development proposals will utilise existing surface and foul drainage connections which link back to the main sewers. The application form also indicates that foul drainage will be required to be pumped privately back up to Ashgate Road (presumably to reach the nearest connection).

5.5.2 In respect of the proposals the application submission was referred to the Council's **Design Services** (DS) team, **Yorkshire Water Services** (YWS) and the **Lead Local Flood Authority** (LLFA) and the following comments were received:

DS Team – It is noted that the applicant proposes to re-use the existing drainage connections on site. We have no objection to this, however, it is stated that the surface water is to be pumped to Ashgate Road but it is believed the existing surface water drains to the south towards the allotments. We would therefore suggest that the drainage is investigated and layout proposals provided.

YWS – Thank you for consulting Yorkshire Water regarding the above proposed development. If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and YW infrastructure:

- There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-*
- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;*
 - b) evidence of existing positive drainage to public sewer and the current points of connection; and*
 - c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.*

Waste Water - Observations:

- 1) Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed. Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.*
- 2) The developer is required to consult with Yorkshire Water's Trade Effluent team (telephone 0345 1242424) on any proposal to discharge a trade effluent to the public sewer network. Under the provisions of section 111 of the Water Industry Act 1991 it is unlawful to pass into any public sewer (or into any drain or private sewer communicating with the public sewer network) any items likely to cause damage to the public sewer network interfere with the free flow of its contents or affect the treatment and disposal of its contents. Amongst other things this includes fat, oil, nappies, bandages, syringes, medicines, sanitary towels and incontinence pants. Contravention of the provisions of section 111 is a criminal offence.*
- 3) The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal.*

LLFA – Due to the nature of the proposals and the site parameters the LLFA have no comment to make and would refer the developers to our standing advice.

5.5.3 It is noted that the DS team comment about the necessity / need to pump drainage to Ashgate Road, with them noting the presence of surface water drains to the south of the site, however it is understood from the application form it is foul drainage that is proposed to be pumped to Ashgate Road.

5.5.4 Having regard to these matters, full drainage details have not been submitted for consideration as part of the planning application submission however these matters are ordinarily dealt with by appropriate planning condition. Whether the drainage is required to be pumped or not is not unusual and this detail will form part of the overall drainage strategy which will need further consideration in due course.

5.5.5 Having regard to the outstanding matters it is considered that an appropriate planning condition can be imposed which requires the submission of further detailed drainage designs. This can be dealt with by pre-commencement condition in accordance with policy CS7 of the Core Strategy to meet the requirements / advice set out by the DS team, YWS and LLFA above.

5.6 **Land Condition / Contamination**

5.6.1 The site the subject of the application comprises of hard surfaced / previously developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.

5.6.2 In respect of land condition the **Coal Authority** (CA) were consulted on the application submission and provided the following response:

The Coal Authority concurs with the recommendations in the Geoenvironmental Appraisal for remedial works to stabilise the shallow coal mine workings and recommends that the LPA impose a planning condition should planning permission be granted requiring these remedial works prior to commencement of development.

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

- * The submission of a scheme of remedial works for approval; and*
- * Implementation of those remedial works.*

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

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of remedial works, prior to the commencement of development, is considered to be necessary to ensure that the ground conditions have been appropriately remediated and risks posed by coal mining legacy addressed prior to building works commencing on site. This is in order to ensure the safety and

stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

- 5.6.3 In addition to the comments of the CA, the Council's **Environmental Health Officer** (EHO) was consulted and raised no objections subject to the constriction hours of the development being restricted to protect the amenity of nearby residential neighbours.
- 5.6.4 Having regard to the comments detailed above from the CA and EHO appropriate planning conditions can be imposed on any permission issued to ensure compliance with policy CS8 of the Core Strategy and the wider NPPF in respect of land condition, contamination and noise.
- 5.7 **Ecology & Trees**
- 5.7.1 The site the subject of the application is predominantly hard surfaced with the exception of a strip of landscaping / shrubbery to the lower side of the secondary garage building on site; and a strip of verge running alongside the western edge of the application site. To the periphery of the site fronting Ashgate Road (on adjoining land) there are a number of mature trees; however these are not protected. In addition to trees the application proposes demolition of an existing building on site, which could also have a potential ecological value.
- 5.7.2 Having regard to potential tree and ecological constraints the application submission is accompanied by an Ecological Appraisal and Bat Survey which were reviewed by **Derbyshire Wildlife Trust** (DWT) under their service level agreement with the LPA and the Council's **Tree Officer** (TO). The following comments were made respectively:

DWT – The ecological reports provide details of an ecological appraisal including a daytime bat survey that was undertaken on 20th June 2017 and bat emergence surveys that were undertaken on 30 July 2017 and 18th August 2017.

The ecological survey work covered a larger area than the current red line boundary planning application, so only the relevant aspects of the report are considered in this response. The site supports hard standing, buildings, vegetated gravel, scrub and

ruderal margins. The proposed development will not result in the loss of any habitats of particular high ecological value.

No evidence of bats was recorded in association with either of the buildings and no bats were recorded emerging from or re-entering the buildings. The surveys were undertaken at an appropriate time of year and were led by a licensed bat worker. It is considered that an appropriate level of survey work has been undertaken in support of this planning application for it to be determined.

Paragraph 175d of the NPPF states that “opportunities to incorporate biodiversity improvements in an around developments should be encouraged...”. If the Council are minded to grant planning consent for this development it is recommended that a condition is attached to the consent that seeks biodiversity gain as part of the development. This condition could state:

“Prior to the commencement of development a biodiversity enhancement strategy that includes the provision of integral bird and bat boxes within the building and native landscaping (based on Section 5.4 of the ecology report (July 2018) should be submitted to and approved in writing by the Council. Such approved measures should be implemented in full”.

Paragraph 180 of the NPPF states that “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

Lighting should be minimised on site to avoid impacts on wildlife, in particular foraging bats. If the Council are minded to grant planning permission for the proposed development it is recommended that a condition is attached that requests the details of a lighting strategy so that we can ensure that any lighting takes nature conservation into account. This condition could state “Prior to the commencement of development a detailed lighting strategy should be submitted to and approved in writing by the Council. Such approved measures must be implemented in full and maintained thereafter.”

TO – The proposed development will not affect any trees on the site that a suitable for retention but there are two trees off the site which may be affected by the development.

There is a large Alder tree on the neighbouring land to the west next to the existing access which will be affected by the proposed access and any excavations for the new roadway may affect the trees rooting system which could then create a safety issue. It is therefore advised that this tree is either removed or inspected by an arboriculturalist once the excavations have been completed to identify any stability issues if any of the rooting system is damaged.

Also in the south east corner off the site in the neighbouring land at 2 Ashgate Road is a large fruit tree on the boundary corner. Although there isn't any major development in this area it is proposed to construct a retaining wall along the southern boundary. This may affect the roots of this tree but it would be minor as there is already a retaining wall on the east boundary and the tree is set back far enough not to be affected too much that it would affect its stability and long term health.

My only other concern is that any materials that could leach into the ground such as diesel and cement should be stored away from the southern boundary as the ground runs downwards towards the gardens to the south and could therefore run off into the neighbouring property which would obviously contaminate the soils.

If consent is granted to the development the following condition should be attached for a landscaping scheme and storage of materials:

Landscaping

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

a) a scaled plan showing plants to be planted:

b) a schedule detailing sizes and numbers of all proposed trees/plants

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

Storage of materials

The location and details of the storage area for the construction materials and fuel storage area (if any) should be provided on a drawing before the commencement of the development.

- 5.7.3 Having regard to the comments firstly made by DWT it is considered that the suggested conditions sought by them are acceptable. Biodiversity enhancement measures associated with major development proposals are a requirement of policy CS9 of the Core Strategy and such measures can be incorporated into the building fabric as well as through soft landscaping proposals.
- 5.7.4 The comments made by the TO are also noted and it is considered that the suggested conditions sought by them are also acceptable.

5.8 **Other Considerations**

S106 / Planning Obligations

- 5.8.1 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.
- 5.8.2 Internal consultation has therefore taken place with the Councils own **Economic Development**, and **Housing Services** teams, as well as externally with **North Derbyshire Care Commissioning**

Group on the development proposals to ascertain what specific contributions should be sought.

5.8.3 The responses have been collaborated to conclude a requirement to secure S106 contributions via a legal agreement in respect of 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 by planning condition 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 **Community Infrastructure Levy (CIL)**

5.9.1 The proposed uses of the buildings fall within Use Class C2 (Residential Institutions) and D1 (Non Residential Institutions) therefore the development is not CIL liable. CIL only applies to C3 or A1 – A5 uses.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 02/10/2018; by advertisement placed in the local press on 27/09/2018; and by neighbour notification letters sent on 20/09/2018.

6.2 As a result of the applications publicity 79 no. representations have been received as follows:

Ward Members – 1 no. representation received

1. Cllr Shirley Niblock (West Ward)

I writing to object to the lack of vehicular access to Inspire Community Garden should the plan for the boundary wall which is part of the above planning application be approved.

I have no objection to the Mental Health Unit being built as unfortunately more people are suffering with this illness than ever before but the developers seem oblivious to the hard work and determination that has gone into the garden being such a success. A wide variety of people with health issues use this facility such as patients sent via the McMillan Cancer Ward @ The Royal and Ashgate Hospice plus a Chesterfield Borough Council Walking for

Health group based at the Sports Centre which has come to the garden on one of its many routes in the area.

Local Cubs, Scouts and Girl Guides have visited the site to learn about growing vegetables and re-cycling projects. This site is also part of Transition Chesterfield which encourages people to grow their own vegetables and this is their garden to show how it is done.

All this hard work was recognised by the East Midland in Bloom judges when they came to judge Chesterfield's entry to the competition in July. The Garden received a special Judges Award for their outstanding Community Involvement and gained extra points for Chesterfield in its overall total.

It seems ironic that No 6 Ashgate Road will, if planning is passed become a Mental Healthcare Unit as some of the volunteers at the Garden have mental health issues and see their work there as part of their own therapy. So this unit with its proposed boundary wall will actually prevent their treatment when in actual fact both groups could work together for the greater good of all and indeed continue to Inspire.

Letter / Email - 38 no. representations received

1. Inspire Community Garden c/o 69 Thornbridge Crescent

The Inspire Community Garden is based on approximately one acre of wasteland leased to the Fairplay charity from Chesterfield Borough Council and next door to Westfield Allotments and to the South of this potential building development. We are not at all opposed to the development of the site or the facilities proposed but we strongly object to the lack of consideration given to providing access to the Registered Charity 'Inspire Community Garden' and the impact on the local community, the large number of visitors to the community garden and the many volunteers who engage in this worthwhile project.

Our **first objection** is that the text below was visible and downloaded from Chesterfield Borough Council's website on 16th November 2017 on the section covering the promotion and sale of the whole car park site at No 6 Ashgate Road. This caused us to be reassured that this would be included in the sale agreement for the car park.

Tenure

The Title is registered under DY462222 in the name of Chesterfield Borough Council. The freehold of the site is to be conveyed as a whole with vacant possession.

Please note the property is to be sold subject to any existing Rights of Way and Easements granted or reserved to third parties.

The Allotment Association has a right of way over the access road off Ashgate. The council's tenant, Fairplay occupy the former allotments to the South of the site, and have the right to enter the council's site along part of the Southern boundary to repair its property. Please also note the electricity cable on the eastern boundary, and BT services to [6 Ashgate Road](#).

Offers are invited with offers in excess of £750,000.

Lots more reports here: [Chesterfield Borough Council - Land and property for sale at 6 Ashgate Road, Chesterfield](#)

This above text is no longer available on the website, but it is technically possible to verify this with historic archive searches of the internet. We assumed that with this condition in the sales literature this would secure our future vehicle access to the community garden. Unfortunately, it appears that this condition was omitted by Kier and Chesterfield Borough Council when the car park was sold. How did this happen?

Our **second objection** is that the failure to insist on the provision of vehicle access for the plot where our community garden is located will also effectively landlock this piece of land for the future and whatever the land effectively could be used for. If Fairplay withdraw from their lease or cease to operate then this land becomes useless without proper access.

The **third objection** is because the proposed new development involves the building of a 2m high Tobermore retaining wall along the bottom side of the existing Ashgate Road Car Park. This will effectively cut off access completely for volunteers, our disabled visitors, our deliveries of compost, wood, manure and bulky equipment. We have consciously developed the garden with disabled visitors in mind and recently we have had several visitors who come along with wheelchairs and disability scooters. We have pedestrian access from the footpath at the bottom of the garden but no vehicle access and the slope involved would make this virtually impossible to enter the garden as a disabled visitor.

Carrying large numbers of heavy potato sacks for our annual Potato Day project and thousands of plants for our May Day Plant Sale on the marketplace would be almost impossible too.

Just alongside the existing access to the community garden can be found at least two manholes which presumably belongs to a water utility company (Yorkshire water?). Our **fourth objection** is that it is not known what the purpose of these is, they contain deep cavities with built-in ladders leading down to the bottom. Have Yorkshire Water or whoever been informed that they will be

prevented from accessing these manholes once the wall is built, as there would be no other access for their support vehicles? An inspection of this by the water utility in question should be conducted prior to a planning decision being made.

We believe that this application is in direct conflict with the vision, strategic objectives and many of the planning policies of Chesterfield Borough's Core Strategy. Our **fifth objection** is that this has been carefully researched by our colleagues at Transition Chesterfield, who will submit their analysis of these as part of their objection.

In their submitted Sustainability Statement the developer states that:

"Discussions between CBC, Developer, Fairplay and representatives of the Inspire Community Garden continue to take place in order to provide satisfactory access solutions going forward for all parties"

Our **sixth objection** is that this is just not true, we are concerned and surprised that neither the developers, the proposed future health provider nor Chesterfield Borough Council saw fit to meaningfully engage with the community garden before the car park was sold or the planning application was made. It appears that the developer and the Healthcare company have ignored the potential of collaboration with the Inspire Community Garden and this puts the whole future of the garden at risk.

We do not wish to prevent the redevelopment of the 6 Ashgate Road site, the revenue for the Borough Council or the provision of the healthcare facilities. We do believe that it should be possible to work together to carefully design the care facility in such a way that we can retain vehicular access to the community garden and provide easy access to the garden for future residents. We tried on many occasions to communicate with the Council and the developers prior to the car park being sold, we were totally ignored until the contract was signed.

We strongly believe that the adults living within the proposed care facilities in this application would undoubtedly benefit from easy access to the Inspire Community Garden. Gardening and community activities are invaluable assets for the development of the elderly or people with mental healthcare issues and needs. The benefits of horticultural therapy in gardens and outdoor spaces are well researched and documented. In addition to this, we promote at the garden Derbyshire County Council's 'Five Ways to Wellbeing', the local mental wellbeing initiative and we have received funding from DCC to do this.

We urge the Council to sit down with the applicants to find a way to make sure that future access to the Inspire Community Garden is retained.

2. 13 Kingswood Close

In general I support the principle to redevelop a brownfield site with provision for people with mental health needs;
However I object to the current application as it block access to Fairplay / Inspire Community Garden and would therefore be detrimental to a valuable community project; and
The developers need to modify the plans to maintain the current access or work with the tenants to find and fund an alternative access.

3. A Local Resident (x2)

I support the redevelopment of this Brownfield land and the retention / refurbishment of the original building at Ashgate Road. I feel that the design of the proposed extensions / new build assisted living complex is in keeping with the existing building. I feel it is important that access to Fairplay and the Inspire Community Garden is maintained as part of this application.

I agree with the Police Designing Out Crime Officer comments and the issues relating to the Inspire Community Garden access; and I feel that both these issues need to be addressed.

4. A Local Resident

As a volunteer and trustee of Inspire Community Garden and as a 70yr old I use the facility to maintain my fitness, to keep my mind & body active & for friendship. I have read the details of the application and am horrified to find that access to the Garden may be blocked by the proposal to build a 2 metre high wall;
Given the keen interest in the garden by many of the local inhabitants & the wider community of Chesterfield, this is seen as a fatal blow to all that the volunteers have achieved over the 2.5 years of Inspire's existence. In all references to Inspire, I am aware that we use the land which Fairplay leases directly from Chesterfield Borough Council. We have a long-standing agreement with Fairplay to use this land as a Community Garden and, as far as I am aware, they are delighted with the improvements we have made and continue to make in a full spirit of co-operation;

I fail to understand how the building of a 2 metre high wall & a fence on top along the whole Southern boundary can provide the access rights which the sales particulars enforced. I object to the access being blocked;

I also believe that from viewing historic maps there is a historic right of access shown on these and this means that an access into what is now the Inspire garden has existed for at least 30 years. As such, we have the right to retain access at this location, which should not be able to be blocked by any new development. On the grounds of a long-term right of access, I object to the access being blocked;

I would like to ask CBC how it anticipates regaining access to this land if Fairplay decides to hand it back before or at the end of its 20-year term lease? I do not believe that there is currently any access to this land other than from the Northern boundary where the new development will block access. This would leave CBC with a 2-acre site which would gradually return to waste land covered in brambles & trees, exactly as it was when Inspire took it on in April 2016. I object to the fact that CBC has been so keen to sell off land at the Northern boundary and is likely to allow a wall to be built which blocks access and which would deadlock a sizeable piece of land that is very suitable for community use, as now, redevelopment or many other uses, as the land is not contaminated, unlike the car park site. As a Council tax payer, I find this extremely foolish, wasteful & not what I expect of local government;

Both sides of the existing gateway, there is a manhole which belongs to the water utility Severn Trent or Yorkshire water. It is not known what the purpose of these are but the western manhole leads to a deep cavity with a ladder leading down. Have either Severn Trent or Yorkshire Water been informed that they will be prevented from accessing these manholes once the wall is built, as there is no other access for their vehicles? I feel they should be invited to inspect this at the earliest opportunity before a planning decision is made;

If the plan is allowed to go ahead, I would suggest that a significant amendment is required to the plans for the wall. Currently, the plan shows the wall only along the southern boundary of the site. Given that this raises the land and is backfilled with soil, rubble etc., surely it also requires some form of wall to be built along the Eastern & Western side of the site to prevent collapse. Currently a 1.8metre high close-boarded fence is shown which will support absolutely nothing!;

There is a pedestrian gate at the bottom of the Inspire Garden site which pedestrians can use to access the Inspire Garden. However, this leads off of a cycle & pedestrian path which is some distance from where I can safely park my car. I have never felt safe when using that path, even during daylight hours, as we have seen groups of youths behaving in an anti-social manner & drug users have been seen loitering there (on numerous occasions, we have found drug paraphernalia & empty bottles of alcohol in the bushes at the bottom of the plot). Many cyclists have no respect for pedestrians and, while I am not infirm, at my age I do not want to risk putting myself in harm's way. As such, I will not use that access to the garden. If I cannot access the garden from the Northern boundary, I will have no choice but to stop attending & I know many other volunteers feel the same. This will see the end of a thriving Community & will probably also mean many other Community groups who derive health benefits from this facility, will also stop attending. Access must take into consideration all types of people in this diverse Community. There is no alternative route for disabled individuals who use wheelchairs or mobility scooters to access the Community Garden which discriminates against this section of society;

In order to maintain my involvement in the garden, I attend the monthly meetings of both the trustees and, separately, where all volunteers and other interested people are invited to attend to hear about plans for the garden, workshops being held and events being planned to engage with a wide variety of groups in and around the area. All age groups are involved with the garden and the evening meetings of young cubs, brownies, scouts and others for specific learning activities is a real delight. However, if the only access to the garden is through the small pedestrian gate at the bottom, many of these events will not happen, as it is not a safe environment for young people and vulnerable older people, particularly after dark. We must retain an access which enables all categories of people to feel safe at all times when they attend events at the garden. Without the top access, events, workshops & learning opportunities will simply not happen and this will be the end of the Inspire Garden; and

Finally, Inspire was used as a significant contributor to the Community element of Chesterfield's entry in the 2018 East Midlands in Bloom competition and, from the judges comments, was instrumental in Chesterfield achieving higher marks and guaranteeing a third Gold award. We also received a Judges Award along with several mentions in the report on Chesterfield's

entry. We believe we will be needed next year and in subsequent years to ensure such a high award and, for the want of a sensible alteration to the plans which enables us to retain access, this contribution is being put at risk along with our future existence.

5. 52 Houldsworth Drive

I do not object to most of the plan, however I would like to see a minor adjustment to the boundary wall at the south west corner; I have worked with Inspire Community Gardens (ICG) who have always had Vehicle access off the car park. Knowing the car park was for sale ICG worked with one of the previous interested parties and found that they would accommodate access along the northern boundary of the ICG and Fair Play land. When this fell through ICG were informed that the sales literature had been amended to include the right of access. This appears to have been removed at the time of the contract creation. The entrance of the Car Park to ICG has allowed for direct access by people attending the Garden. Some of these people have had mental and physical health problems and the way the garden has helped them is unbelievable (I was very sceptical of this sort of thing). For background see their personal report of progress through the ICG. Pauline Blob! I also know one couple in their 80's that make a 70mile round trip to visit ICG which will be prevented for them if access at the top is removed;

I also work with Young people including Brownies, Beavers, Cubs and Scouts. These groups visit the Garden to learn about growing, and food production along with community service, outdoor crafts etc. Last visit was on the 19th September 2018;

ICG provides advice, information, practical help and guidance towards healthy eating and involves other organic groups, as it is known that CBC has 3 initiatives that these fit into. Additionally, ICG provides a Green gym. to combat obesity and improve health; As it is now ICG that runs the very popular Potato day, bringing a lot of people to Chesterfield. This will be put at risk as the stock of potatoes and seeds are stored at ICG. This would not be possible without Vehicle access;

The loss of vehicle access or any safe access to the Inspire garden will stop all these visits and will be a huge resource loss to Chesterfield. The Inspire Garden layout was designed for disabled access from the Top (Ramps and slopes). Mobility vehicles that currently access the ICG will be denied access due to this plan in its current form. It will be dangerous to try to walk in from a meeting point away from the Inspire Garden with 20-30 young

children (aged 6-10 years). Where could the group be safely assembled? Then they would access ICG via the only foot access along a footpath/cycle path, where drug needles have been seen; Safety also comes in to play by removing Vehicle access to the site as no Ambulances or Fire Engine could get close. Delaying any response. Creating a land locked site isn't good for anybody, including the borough council if the current lease is not extended; What I propose is that the South West corner of the new Mental health unit boundary be adjusted to retain access to ICG, to assist with this perhaps Inspire Garden members could move the current entrance West by 3m. The area created could then be incorporated into a turning circle for a cul-de-sac if the rest of the car park is developed into residential properties. An additional benefit is that by adding in additional breaks in the retaining wall will strengthen it with the returns. As has been experienced on Spital Lane, Chesterfield, the building on raised land has come into problems with land slippage;

All new developments of this size need to give back to the community and it is noted that on the Council web site that this can be in the form of land and not money. I believe that moving the Goldwell Arch to be visible has been suggested but this is seen not so much as a benefit to the community but a very nice prestige symbol for the builder to have on their development and would/should be done regardless;

I also feel that Inspire Garden is a benefit and bonus to both the new Mental Health unit and any future residential build. ICG working with the new unit could potentially provide an idea environment for recovery. Either as a quiet space or as a place to work at gaining self-confidence and skills. If the only entrance is moved half a mile away this would not be as effective for the new unit.

6. Monkey Park CIC Hub, 128A Chester Street

I am writing on behalf of the board of trustees of Monkey Park CIC, a community development organisation based in Brampton. We are close neighbours of 6 Ashgate Road and all of our trustees & volunteers are based in the neighbouring streets. We have worked in collaboration with the council on several recent projects including a riverside path on Chester Street and 200m of new tarmac 'Safe Route to School' paths to Brampton Primary School. We also sit on the Chesterfield Health & Wellbeing Partnership. Monkey Park CIC wish to strongly object to the planning application for 6 Ashgate Road on the following grounds. In this

objection, we reference the 2013 Local Plan for Chesterfield ([https:// www.chesterfield.gov.uk/media/148999/adopted-local-plan-core-strategy.pdf](https://www.chesterfield.gov.uk/media/148999/adopted-local-plan-core-strategy.pdf)):

1. Planning policy CS2 “is intended to protect sensitive or vulnerable users and adjoining occupiers (whether proposed or existing), and to do this the borough council will take into account the character and use of development proposals and their settings”. We believe that the proposal contravenes this planning policy by land locking a neighbouring site housing two community gardens operated by local charities. Specific reference is made in this policy to ‘sensitive or vulnerable users’ - exactly the groups of people using these community gardens: one garden is used by disabled children and the other by local people with autism, mental health issues, isolation/loneliness & injury. For example, the neighbouring site of Inspire Community Garden will not be accessible to wheelchair users if the proposal goes ahead.
2. Planning Policy CS3 mandates a presumption for sustainable development in the area (not on the site alone). The planning policy states that the developers and planning authority should “work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”. This has obviously not happened: co-design with the Inspire Community Garden (which contributes substantially to the social, environmental & economic character of the area) is glaring in its absence.
3. Policy CS7 mandates that “Sustainable Drainage Systems (SuDS) should be incorporated into all development, unless it can be demonstrated that this is not appropriate in a specific location.” The developer’s sustainability statement indicates that “Environmental reports indicate soakaways would not be considered appropriate in this location”. This is not adequate and will put substantial pressure on the local drainage sewerage system (which is elderly and contributed to substantial local flooding in 2007). A previous developer had indicated that they would incorporate the features of the Inspire Community Garden as sustainable urban drainage to avoid surface water flooding, water pumping & pressure on sewerage system capacity. We expect the same quality of design from this developer.
4. Policy CS9 states that development will only be supported if it “enhance[s] connectivity between, and public access to, green infrastructure”. This proposed development does exactly the

opposite - blocking public access to community garden infrastructure.

5. The application contravenes planning policy CS13, which states that developments should not “inhibit existing or future business and industrial activity on adjacent sites”.

6. Planning policy CS14 states that “The Council will promote and enhance tourism development in the borough”. This development actively blocks access to a site that is becoming increasingly important to local tourism, being an organic gardening showcase of regional importance which has strong ties with the Henry Doubleday Ryton Gardens & the Royal Horticultural Society as well as having recently received a Judges Award from East Midlands in Bloom.

7. Planning policy CS17 on social infrastructure provision states that “where proposals involve the provision of new or expanded social infrastructure facilities, they should be well related to existing centres and settlements and public transport infrastructure, and should provide high standards of accessibility for all sectors of the community”. The provision of a mental health assisted living facility next to a charity run facility that helps people with mental health concerns to improve their wellbeing is an excellent synergy, but only if there is access between the two facilities - otherwise it would contravene the policy. Moreover, the policy also states that “development will not be acceptable where [...] it would result in the loss of a facility which is required to meet a local need or contributes to the network of facilities throughout the borough”. Loss of the primary access to such a facility introduces an existential risk to it, and is likely to cause the loss of the community garden.

8. Planning policy CS18 mandates that “all development should identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context”. It then specifically adds that development must “provide appropriate connections both on and off site, including footpath and cycle links to adjoining areas to integrate the development with its surroundings”; “promote innovative forms and building designs that [...] enrich the quality of existing places”; “contribute to the vitality of its setting through the arrangement of [...] accesses”; “preserve or enhance the landscape character and biodiversity assets of the borough”; “provide appropriate connections both on and off site, including footpath and cycle links to adjoining areas to integrate the development with its surroundings” and “have an acceptable impact on the amenity of users and neighbours”. We believe that

this proposed development is clearly in breach of all of these policies.

Our trustees view the Inspire Community Garden & the Fairplay garden as key elements in the provision of social infrastructure within the town. We particularly view Inspire as one of the best examples in the region of community wellbeing infrastructure, with excellent potential to be part of new pilots on social prescribing & Public Health wellbeing networks. Under the provisions of this core strategy element, we are disappointed that the North Derbyshire Clinical Commissioning Group and Derbyshire County Council Public Health unit have not been consulted on the potential development.

In summary, our trustees view this proposal as seriously flawed & non-compliant to multiple council planning policies. It has the opportunity to be reworked easily to become compliant and even supportive of existing social & green infrastructure. We urge the council, the developers and their clients (Aspire) to take the opportunity to engage in constructive dialogue to improve the proposals for all concerned.

7. Transition Chesterfield

Transition Chesterfield would like to object to the above-captioned planning application. Although we have no objection to the development of the site or the facilities proposed we strongly object to the lack of consideration given to adjacent community uses and the impact on local charity Inspire Community Garden, which is a sister project of Transition Chesterfield.

Inspire Community Garden, which received charitable status in 2016, is a local organic demonstration garden which is a hub for the local community, organising numerous public events and providing space for local people to grow their own food and therapeutic horticulture. It receives regular visits from local cub and brownie groups, corporate volunteer groups and has a number of long-term volunteers with physical and mental health problems who benefit from the gardening therapy. It runs weekly workshops and opens 3 times a week for volunteers and public to visit the site. It's Open Days receive around 150 people each time, many of them from the local community. It has forged links with local groups including Fairplay, Macmillan, Headspace and Ashgate Hospice. Last year it received its first visit by a Walking for Health group. Many Chesterfield Borough Councillors, including the Leader and the Mayor, have visited the site. This year the garden received a judges award from the RHS East Midlands in Bloom

judges for their contribution to Chesterfield Borough Council's gold medal winning entry in the competition. The judges award stated: "Inspire Community Garden. For the hard work of the volunteers in creating a fantastic community space in such a short space of time."

When the group took over the site in 2016 it was an overgrown and abandoned allotment site owned by the Council. Hundreds of volunteer hours have been spent restoring the fertility of the land, developing community space and wildlife areas. It has raised funds from fundraising activities such as seed, plant and compost sales, as well as grants from Derbyshire County Council, the Postcode Lottery and the Mansfield Building Society.

While the garden has a pedestrian access via the cycle/walking path adjacent to the gasworks the main vehicular access is via the Ashgate Rd carpark. The new development will involve a 2m retaining wall along the southern boundary which will cut off that access completely for visitors or volunteers with disabilities, deliveries of compost/manure and bulky or heavy equipment. The charity has worked hard and raised funds to make the site more accessible for people with disabilities (eg ramp and decking around the caravan which is the main indoor meeting space and work area). The alternative pedestrian access at the bottom of the site is too steep for anyone with a disability and would be difficult to transport heavy things easily, such as hundreds of plants for plant sales at May Day or sacks of seed potatoes and equipment for the annual Potato Day.

This application is in direct conflict with the vision, strategic objectives and many of the planning policies of the Borough's Core Strategy.

Vision - CBC's vision notes the importance of food growing opportunities (para 3.10); the importance of voluntary organisations in providing community and cultural facilities (para 3.22) and provides the vision that everyone has a healthier lifestyle through access to nature (para 3.27) Para 3.10: "Food growing opportunities are maximised, and land for growing food, especially within and adjoining residential areas in allotments and community gardens and the best and most versatile agricultural land, is safeguarded." Para 3.22: "District and Local Centres build on their own, distinct character while ensuring residents have easy access to services meeting their day to day needs. These centres are sustainable places for the provision of community and cultural facilities and the council will encourage their location and development there. Voluntary organisations are key partners for

the council in achieving and maintaining this ambition.” Para 3.27 “Everyone has the opportunity to have a healthier lifestyle, through improved walking and cycling routes, parks and access to nature, and locating facilities such as sports centres and fresh food shops in accessible locations.” However, this application will undermine these objectives by jeopardising access to land for growing food in community gardens and the possible future of the garden itself and through the Council’s failure to inform or engage with Inspire prior to the application.

Strategic objectives - This application will undermine strategic objective S7: “Promote a net gain in biodiversity and protect and improve the borough’s key green infrastructure assets and landscape character.” The community garden is an important part of the borough’s green infrastructure and the charity has worked hard to improve the area for biodiversity, with improvements in soil fertility, creation of a wildlife pond, a number of workshops including by the Bumblebee Conservation Trust on providing habitats for bees, and rough areas set aside for wildlife.

Principles for Location of Development - Core Strategy Policy 2 on Principles for Location of Development states that “all developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or environmental impacts.” The Design and Access Statement for the application makes passing reference to the community garden but fails to acknowledge that it will have an unacceptable impact on the amenity of users of the garden. There was little or no attempt to try to accommodate the needs of the garden, despite a meeting with the developer where the charity spelled out the implications of the proposal on their operations.

Green Infrastructure and Biodiversity - Core Strategy Policy 9 on Green Infrastructure and Biodiversity states that “Development proposals...(b) should enhance connectivity between, and public access to, green infrastructure.” Instead this proposal is limiting public access, and for certain disabled users, blocking it completely.

Social Infrastructure - Core Strategy Policy 17 on Social Infrastructure states that “Development will not be acceptable where it includes the change of use, amalgamation of uses or redevelopment of existing local community or recreational facilities, if it would result in the loss of a facility which is required to meet a local need or contributes to the network of facilities through the

borough.” This application will block vehicular access to an existing community facility which contributes to the needs of local residents who benefit socially, physically and emotionally from the therapeutic aspects of gardening and access to green space. Design - Core Strategy Policy 18 on Design states that “All development should identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context. Development will be expected to: (b) respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural styles, landscaping, scale, massing, detailing, height and materials; (k) have an acceptable impact on the amenity of users and neighbours.”

This application is clearly having an unacceptable impact on the amenity of neighbours.

Sustainability Statement - The applicants Sustainability Statement refers to the existence of the Community Garden and states:“Discussions between CBC, Developer, Fairplay and representatives of Inspire Community Garden continue to take place in order to provide satisfactory access solutions going forward for all parties.”

However before the application was submitted no meetings had been held between CBC the developer and Inspire, despite repeated requests from the garden for information.

The proposed development will provide care facilities for adults with a range of care needs, many of whom could directly benefit from the easy access to Inspire Community Garden. The irony of this is that the garden would be an invaluable asset to a development for the elderly or people with mental health problems. The benefits of gardening and outdoor space on mental well-being are well documented. However rather than trying to integrate the development to ensure continued access for the benefit of the charity and its future residents, this applicant has ignored the needs and could put the future of the garden at risk.

In summary we consider this application to be in conflict with many of the Council’s vision statements, strategic objectives and core planning policies, and we are disappointed that so little attempt has been made by the developer and the Council to consult with Inspire prior to the application.

We do not want to prevent the redevelopment of this site, the provision of care facilities and the revenue for the council. We believe it should be possible by careful design to ensure that the care facility can be built in such a way that retains the vehicular

access to the garden, as well as easy access for future residents. We are surprised and saddened that neither the developers, the proposed future health provider nor the council saw fit to meaningfully engage with the community garden before this application was submitted. We urge the Council to sit down with the applicants and find a way to ensure future access is retained.

8. A Local Resident

I have already made a very brief comment on the planning portal, the comment box is very restrictive. I want to say more in support of the Inspire Community Garden.

The Garden has proved to be a very valuable resource to the local community, and has gained public recognition for its achievements in a very short time. It has hosted many visits from youth and health groups at time when health professionals and Government are advising all of us that a good diet and exercise can improve physical and mental health. The garden is a wonderful place to learn about caring for the environment, about organic gardening, composting ; and saving, reuse and recycling of scarce resources. Its location is ideal for residents who do not have a garden of their own. It complements the excellent facilities of FairPlay, and is accessible to them. It is a resource which could be used by the proposed new facility, to benefit its residents.

There are statements in the Local Plan, and aims within central government's strategies to encourage, improve and support Public Health initiatives. Inspire Garden is a flagship resource for Chesterfield and fully meets these obligations.

I am shocked, disappointed and surprised that the Planning Department and Councillors have failed to protect access, and put the future of the Garden in jeopardy.

I urge the council and our representatives to ensure that access to the Garden is maintained to the current standard, either from its existing access, or another suitable entry point, at no cost to the Garden charity.

9. A Local Resident

I would like to suggest that more thought goes into the planning application to enable access to the amazing community garden that is a mental health and wellbeing lifeline to our community. Surely there's a way of redesigning the space to allow the garden to continue to thrive alongside the new build.

10. A Local Resident

Inspire Community Garden is one of the best things that has happened in Chesterfield for years. The benefits of gardening for mental, physical and emotional health/being outside in a green space/working with others/fostering awareness of the importance of wildlife and environmental issues are all well documented, and support the current RHS agenda in its emphasis on Greening Grey Britain and the importance of all-inclusive community ventures. Chesterfield Borough Council had been vociferous in its support for the Britain in Bloom competition, particularly where children are involved, but until this year seem to have been reluctant to include community initiatives.

Not all children are able to maintain their enthusiasm for gardening away from school; they may not have access to a garden or receive the necessary encouragement. Once they leave primary school/go to college/leave home they may have even less opportunity to maintain the spark. Inspire offers young people, and many others, the chance to maintain that early enthusiasm, broaden their knowledge base and learn new skills, maybe even aspire to further training to enable them to contribute to the new generation of young gardeners this country desperately needs. For all the above reasons, and many more, The Inspire Community Garden MUST be allowed to continue and flourish, ie to maintain appropriate, necessary access. I am shocked and disturbed that this situation has been allowed to happen. Chesterfield Borough Council need to put their money, and support, where their mouth is and do the right thing.

11. A Local Resident

After promises from the Borough Council of a housing development that made the Inspire garden an integral feature for the new homeowners, it is now proposed to cut off the access and so make the garden almost impossible to access for vehicles, the disabled, elderly - it is now a thriving community resource, supporting people from all walks of life. the garden helps people with all sorts of issues/worries/problems, including people with mental health difficulties: there is no objection to a mental health facility, but surely cutting off the garden will not help people's mental health.

There needs to be a rethink to make the garden remain accessible for all - it is a quiet space, a green space and a place to learn for all ages about how to grow natural produce, how to support wildlife and nature. I went to a talk on seeds and how to harvest them from

tomatoes, etc and it brought me into contact with some good people.

There is a solution to the access, and it is that any planning application has to include vehicular access to the Inspire garden. If disabled people and the elderly/infirm are denied access, then how is this helping the people of Chesterfield? It is discriminatory, short sighted, unjust and not an action that is wanted.

I strongly object to the planning application in its current form.

12. Derbyshire Voluntary Action

I would like to strongly object to the planning application, as is, for 6 Ashgate Road Chesterfield.

I believe this proposal contravenes your planning policy by land-locking neighbouring two community gardens, operated by local charities. These gardens offer specific use for 'sensitive and vulnerable users', including: disabled children and young people (many with life limiting conditions), and adults who are lonely and isolated or living with autism, mental health and disabilities.

13. A Local Resident

I want to object and voice extreme concern about the plans for effectively blocking access across the South boundary to the Aspire garden project. The Aspire garden is of benefit to the community and to future people attending the proposed healthcare unit. I strongly urge a rethink of how the planned building will work in conjunction with existing community facilities e.g. Fairplay and the Aspire garden. An adjustment allowing wheelchair and vehicle access working with the Aspire project team could surely be arranged so that all in the community can continue to access the garden.

Rather than blocking access at the top of the garden. Those planning the healthcare unit need to liaise with Aspire to consider and provide accessibility to the vehicle entrance to the community garden. Unfortunately unless this is changed I understand that a thriving community garden will have to close.

14. A Local Resident

I am contacting you to lodge an objection to the application for development of a mental health unit at 6 Ashgate Road. I am not opposed to the building of a mental healthcare unit, but rather to

the plans that will effectively block off access to the Inspire Garden at the rear.

Access is needed to the Garden for deliveries etc of large and heavy items such as compost and tools. This garden is entirely volunteer run and has transformed a derelict piece of land into something Chesterfield people should be proud of within the space of a couple of years. It has been supported by visits from the Mayor and from councillors over this time.

In addition, I make use of their facilities and storage space as co-ordinator of Transition Chesterfield's monthly Repair Cafe. The Repair Cafe seeks to minimise landfill and take items that would otherwise be thrown away and repair them and return them to use. We run this at Monkey Park but they have no storage facilities so we need the space available to us at the Inspire Garden caravan to store our tools and other items (several large bags and boxes). We aim to run these monthly events with as low cost as possible and would struggle to find an alternative that was free of cost.

15. A Local Resident

I would like to register my objection to the construction of a 2m high wall along the boundary of the proposed development site and the Community Gardens removing the current vehicular access, which is essential to the running of this project and also the beneficiaries of the project who need vehicular access. It would be very detrimental for a project like this which has had so much local support to be cut off by a planning oversight please request an amendment to the plans.

16. A Local Resident

Like the people who use this facility I have no objection to the unit being developed however two points-

- In a world where getting more connected with nature and the land is ever more vital community facilities should be encouraged by councils and not discouraged as you are planning. It can be strongly argued that facilities such as this assist mental health - the evidence is there.
- Council be responsible. Do your job professionally and responsibly and ensure the design supports both facilities as there is a role for the garden.

But I suspect you know this already - hopefully someone cares enough to do the right thing.

17. 181 Hunloke Avenue

My objections to the plan are solely related to the retaining wall along the southern edge of the property which cut the Community Garden off without vehicle access. This will immediately block access from the top of the garden causing numerous problems for visitors, volunteers and deliveries.

A Community Garden that can only be accessed by fit and healthy members of the community? Surely a way can be found to allow vehicle access to the garden as well as redeveloping the car park? The current plans will block vehicle access to the Community Garden making it virtually impossible for anyone with mobility issues to use the Garden. And it would make deliveries of materials impossible. It would effectively cut the site off for any future development should the Garden be forced to close. Residents of a residential/mental care home would benefit enormously from access to the Garden - it could be such a valuable resource for everyone.

18. A Local Resident

I wish to object to the development proposed in planning application CHE/18/00605/FUL. If it goes ahead as proposed it appears that it would effectively block access to the existing community garden. I think further consideration needs to be given to either maintaining the access or providing a new, appropriate access to the garden to ensure that the garden can continue to thrive, to be enjoyed and to enhance the well-being of the local community. It would be a shame if this community asset was lost or became less accessible/ inaccessible to any of its current or future potential users, if some further consideration and discussion between the Applicant and the Council's planners could resolve this access issue.

19. 41 Hartington Road

I understand that access to the Inspire Community Garden might be compromised by the proposed new Healthcare development, in such a way that it will have to close.

This is precisely the wrong thing to happen; it sends the wrong message to community groups throughout Chesterfield, and cancels a community benefit of immense importance to the life of the town.

If all that is needed is a bit of considered compromise so that the new Healthcare facility and the garden can coexist, then surely, we should be insisting on a modification to the plans to allow access. Isn't it possible to be creative? What better as part of recovery from mental illness than to have a beautiful garden next door? Couldn't that be factored in to the provision offered?

Does everything have to be driven by profit motives? Shouldn't there be consideration of existing land-use? Can't there be proper dialogue and collaboration?

There could be an extremely positive solution that will benefit everyone, including the new development.

So why opt for one that essentially excludes the hundreds of people who support the garden? The hundreds who have visited, who have worked for free, who have enjoyed the fruits and who applaud the work done there.

20. A Local Resident

The Inspire community garden has been developing and growing for several years now, with a huge amount of hard work and effort gone into transforming waste ground into an amazing community resource used by many local people, and manned by faithful volunteers. It would be wrong to bring this project to a close when it is such a fantastic place of encouragement, peace, education and community spirit.

Vehicular access is vital to the ongoing use of the garden and I feel that there must be a way around the problem so that all parties will be happy.

21. 668 Chatsworth Road

I would like to object regarding the planning application for the Inspire's vehicle access.

22. A Local Resident

With a very heavy heart I'm complaining about the 'ACCESS DENIED' to Inspire Community Garden due to the lack of details taken into consideration from Chesterfield Borough Council regarding the sale of Ashgate Car Park. When told of the sale of the car park and that there was planning to submit for a Mental Healthcare unit to be developed in the car park I was over the moon that the future residents would have access to the garden which would be beneficial to all the new residents as the garden is great therapy for us all. I had a Grade 3 Subarachoid Brain Haemorrhage in July 2011, put into an induced coma for the first 8

weeks in ITU & HDU @ Hallamshire Hospital, Sheffield then when brought out of coma, I lost the ability to walk, talk & eat. 7 months down the line there was still no progress until my Neurosurgeon Mr Patel @ Hallamshire Hospital put a Shunt behind the right ear to drain any fluid on the brain and 3 days later I began to talk but the speech was gobbildygook! It's been a long journey from re-learning the basics to walk, talk and I'm still learning and improving every day.

Since day one at the garden, I originally had the walking stick and minimum energy to walk, talk and stand, I now get taken to the garden every time it's open and since then my balance, walking, energy, concentration has improved immensely due to spending time in the garden which is so important to me.

The garden is an Oasis to us all with physical and mental disabilities. Many attend the garden from all ages young & old and I'd appreciate it if you could kindly reconsider the access to Inspire Community Garden via the car park for deliveries and access in case of an emergency for an ambulance.

23. A Local Resident

I feel strongly not having easy access for the Inspire Community Gardens will reduce considerable its usage thus disadvantages all users including people who are disabled and vulnerable.

24. Fairplay

I am writing on behalf of Fairplay to object to the planning application listed above.

The objection is that Fairplay has not been consulted with by the council or the developer, even after giving consent for the council to pass on Fairplay's details to the contractor. As you are aware the proposed new development will totally deny access to the Fairplay Childrens garden from Ashgate Road.

The previous developer interested in the site met with Fairplay and the Inspire Community Garden to discuss his plans. He was very supportive of our existing arrangement and was prepared to work with us to include access on the plans of his proposed development. Of course we were very happy with this arrangement and felt positive about the project moving forward. However this latest developer has not considered how his plans would cut off access to the site for both Fairplay and the Inspire Community Garden. Access via the area where the developer is proposing to build a wall is used for deliveries to both gardens.

Any changes to this would make deliveries to both gardens impossible.

Fairplay feel strongly that had we been given the opportunity to discuss these issues with the developer an amicable solution may have been reached.

25. 290 Ashgate Road

As a journalist covering local government affairs for 40 years, including 11 years in Chesterfield up to 1996, I have sat through numerous planning and development control committee meetings, and am well aware of the need to cite planning reasons when opposing any form of development.

In this case, the crux of the matter seems, to me, to be concerned more with health and wellbeing, humanity and community, than bricks and mortar, land and boundaries. Fortunately Chesterfield Borough Council's core strategies and key policies embrace these values with the goal of protecting community leisure and recreational facilities, access for disabled people to use such facilities, and preserving and fostering food production.

Others, most notably Inspire Community Garden's trustees and those of Monkey Park CIC, have set out the policies and strategies they believe this application to be in breach of in a much more detailed way than I could achieve. However, I would like to add my own objection along similar lines, and call on the council to facilitate a rational conversation between the developers, Inspire Community Garden and the council itself to work out a practical solution to the benefit of all parties concerned.

Inspire Community Garden is a tremendous asset to the community and can be a valuable partner to the mental health facility proposed for 6 Ashgate Road, offering therapeutic activities within the garden for its users. The garden must not be jeopardised by losing its only vehicular and disabled persons' access, and I urge the council to refuse planning permission for the application in its current version, pending tri-partite talks between the garden's trustees, the developers and the borough council.

26. 290 Ashgate Road

I am writing to object to planning application CHE/18/00605/FUL, the plan to build a mental health facility at 6, Ashgate Rd. The proposal to level the site with a large retaining wall along the south side would cut off access to Inspire Community Garden, the only vehicular access to the site. It is vital in order for people to park on site and for deliveries of substantial amounts of supplies and

materials, and without this access the project would be unable to continue. This inclusive community project has been going from strength to strength and is used by increasing numbers of individuals and groups. It runs environmental, ecological, and conservation courses as well as horticultural ones.

Coming to the garden and working and socializing there with others is important for the mental health of a number of those who already use it. How can it make sense to build a mental health facility that harms the mental health of some members of the community when with sensitivity and imagination an adaptation of the plans could enhance access to Inspire, and users of the facility could enjoy the benefits of gardening to complement their other treatment?

Please don't allow the destruction of this wonderful community project.

27. A Local Resident

I understand that access to the Inspire Community Garden will be seriously affected by this development, in that both access for vehicles and for people, especially disabled people and those with mobility issues will be adversely affected. This is a wonderful community resource, providing much needed physical and mental health benefits as well as educational and learning opportunities, for the town of Chesterfield and area beyond.

Please could you consider that users of the facility may not be able to get involved either, which must be counter productive to the care facilities aims.

Can the plans be adjusted in such a way to allow the garden to continue to operate for the benefit of everyone, of all abilities and ages please.

28. 6 Malvern Road

The plans block access to a well supported established community activity at Inspire Gardens which provides great benefits to the residents of Chesterfield.

Parking at the development appears very limited for the numbers of users, staff and visitors. Nonresident parking on Malvern Rd is increasing with public using facilities in the area causing local road congestion.

29. A Local Resident

In response to your Neighbour Consultation process please give due care and objective consideration to the following objections in relation to the current proposals submitted for the development of 6 Ashgate Road.

In all respects, we are mindful that Inspire Community Garden (ICG) was formed, in part, on the basis of an arrangement with Fairplay, the charity that leases the Council land specifically designated for community garden use and that lies adjacent to 6 Ashgate Road.

ICG have transformed this neglected plot into a productive community hub that touches the lives of many people in an extremely positive way.

Specifically, we object to the developer's plan to build a wall along the Southern boundary of this site.

By so doing, a long established and much used access point to Council land that is officially designated for horticultural use will be completely blocked.

In the Council's 'Change of Land Use' document (2010), Chesterfield Borough Council acknowledges that use of the land now occupied by Inspire Community Garden hinges on 'demand' and that this land be used 'only for community garden including allotment'.

In considering the developer's plans, CBC should be clear that there is indeed a demand for the continued horticultural use of this land and that associated and long established vehicle access is vital for the delivery of goods (manure, wood materials, pathway materials) as well as the continuation of events that are hugely popular across the town, not least Chesterfield's annual Potato Day.

Inspire Community Garden is a hugely positive project.

It would seem morally lacking for Chesterfield Borough Council to support the developer's current plans that block the entrance to this vibrant resource.

This objection is particularly pertinent given the commitment shown earlier this year by the garden's volunteers in support of Chesterfield in Bloom. Their efforts should not be under-estimated. We also understand that, ironically, Inspire Community Garden's participation in this much lauded scheme was at the Council's invitation.

On a broader note, the current development proposals represent a loss of many car parking places. Undoubtedly, this will place extra pressure on surrounding residential streets as workers and visitors

struggle to find alternative parking spaces in our ever expanding town.

It would, therefore, appear that conditions exist that warrant a morally careful and considerate re-think of the developer's current plans to allow for the continued activities of their new neighbours. What practical steps will Chesterfield Borough Council and the developers take to help ensure the continuation of Inspire Community Garden?

30. A Local Resident

I am writing to express my objections to the plans to stop access to the community garden from Ashgate Road. The garden is a fantastic facility for the community and is still in the early stages of development, I believe it will become more popular and important to a wide range of people.

It is used not only by keen gardeners but also by people with learning difficulties, disabled and lonely people.

The access from the footpath at the bottom of the garden is not accessible by car so this stops a large number of people using it, it is also not easy to find by people who do not live in the local area, it will also be impossible for the garden to get deliveries.

Please think again about this valuable facility and ensure the plans include vehicle access to the gate from Ashgate Road.

31. 5 Hunloke Crescent

I would like to add my objection to the above planning application which would block access to the Inspire Community Garden. The Garden is a very valuable asset to the people of Chesterfield, it receives regular visits from local groups as well as many individuals, including those with disabilities and mental health problems. It holds regular workshops and opens three times a week for volunteers and members of the public to visit.

The proposed development will cut off access completely for volunteers and visitors with disabilities as well as for deliveries of compost and other heavy/bulky items.

It is appalling that the council should allow this to go ahead when the garden is itself a valuable resource for people to relieve stress and engage in gardening, which is recognized as a very therapeutic and a positive activity for good mental health. It also a valuable green space that contributes greatly to the Chesterfield environment.

I am sure it would be possible for the building to go ahead and still give the Community Garden access, but unfortunately the

developers have failed to liaise with or show any consideration to any of the other groups in the immediate area. We urge the Council to sit down with all those involved and find a way to ensure future access is retained.

32. 338 Ashgate Road

Whilst I have no objection to the development proposed I believe any plan approved must contain adequate vehicular access to the Inspire Community Gardens.

Loss of this access, as the current plans seem to indicate, would mean the closure of the gardens. This would be a severe loss for the people of Chesterfield. Inspire have turned a waste ground into a living, thriving and vibrant oasis in the centre of Chesterfield, all through the work of volunteers. The Gardens have recently been singled out for praise by the Britain in Bloom judges as an asset we can be proud of.

Some volunteers at the Garden have mental health issues and see their work there as part of their therapy so it would be ironic if the new unit prevented this.

33. 8 Birkdale Drive

I understand that access to the Inspire Community Garden will be compromised by the proposed new Healthcare development, in such a way that it will have to close.

As a Chesterfield resident, volunteer and Trustee of the garden I object to the current planning proposals.

I have been involved with the garden for 2 years and it has helped me immensely with my anxiety and depression as it has also helped many others.

It is also a place I have been able to take my daughter to and get her involved so much so that she has become a regular volunteer at the garden.

The garden brings great benefits to Chesterfield and its residents and many groups who use the garden will no longer be able to use it if the main access is lost.

I believe all that is needed is a bit of considered compromise so that the new Healthcare facility and the garden can coexist; this could be achieved with a slight modification to the plans to allow access.

34. A Local Resident

I am e-mailing to raise an objection to the proposed building on the Ashgate Road car park, this will remove the vehicle access to the Inspire Garden. I am a Cub Scout leader, we have used the garden on a number of occasions as part of our community challenge, as far as I am aware there is no other facility like Inspire in the borough that can offer such a wonderful and educational gardening and outdoor experience for our young people. Also as I understand Inspire received an award from RHS England in Bloom judges for their contribution to Chesterfield Borough Council's Gold Medal winning Entry, the council have benefited from the wonderful garden, it should be ashamed of its actions.

The loss of vehicle access or any safe access to the Inspire Garden will stop all these visits and will be a huge resource loss to Chesterfield. The Inspire Garden layout was designed for disabled access from the Top (Ramps and slopes). Mobility vehicles that currently access the ICG will be denied access due to this plan in its current form. It will be dangerous to try to walk in from a meeting point away from the Inspire Garden with 20-30 young children (aged 6-10 years). Where could the group be safely assembled? Then they would access ICG via the only foot access along a footpath/cycle path, where drug needles have been seen. As a council which should protect the interests of all residents both young and old I urge you to re-consider the issue of access and urge councillors to visit if they haven't already done so !!

35. A Local Resident

Although I live some distance away I have visited the attached site Inspire Community Gardens on numerous occasions. I have seen the amount of work and care that has changed the overgrown area into a real community facility where people of all abilities can meet and work together and enjoy friendship and fresh air. This is important to everyone. If the work goes ahead for the new buildings it will, contrary to decisions agreed by the previous owner, give Inspire Gardens with no vehicular access. They are not objecting to the buildings just the vehicular access. They will have their own parking site. The current trend is to get people moving and motivated with gardening being one of the best ideas. This was highlighted on Monty Dons Gardeners World this week when one of his assistants visited such a garden started in 2002. They had support from local doctors and carers and as the new buildings are planned for Assisted Living it would seem to be ideal.

to have such a site next door. If the plans go ahead as they are at the moment people with disabilities and carers will not be able to access the site. The amount of work that has gone on in a relatively short space of time is immense and enjoyed by so many people that, given the chance, it could be life changing for very many more people.

36. A Local Resident

I have submitted an objection to this application (unfortunately after the 11th October deadline). I fully support the comments made by Transition Chesterfield and Inspire Community Gardens, and consider it astonishing that the applicant, in proposing a home for assisted living is seeking to destroy a facility which would offer considerable benefits to residents. The benefits to people with learning difficulties, mental health problems and, indeed, all of us, of gardening (and especially organic gardening) and being in the surroundings of a garden, are well documented. I strongly urge the applicant and all the relevant authorities to get together to develop a revised proposal which would maintain access to the Gardens for the benefit of the Aspire home residents and the people and the environment of Chesterfield greatly.

37. A Local Resident

I understand that the Inspire Community Garden is about to have its vehicular access taken away. This is due to the new owner closing the present access as it has been omitted from the planning consent. The previous purchaser had agreed to continue access.

This seems to be strange as the garden has already proved a benefit to handicapped and assisted living people. Carers already take their charges and this will cease with no vehicular access. Whilst I appreciate that there is an access by foot at the lower end of the garden I fail to see how an ambulance or paramedics can easily attend or evacuate any person taken ill.

I have visited the garden on a regular basis and helped to put up the and glaze two greenhouses but will be unable to do so as at 84 years of age I require vehicular access.

I also find it strange that the Council have made grants to the Community Garden and that it played a large part in your recent Award and that the proposed dwelling to be erected on the car park is to be for assisted living and under the NHS. The Community Garden was set up for this very purpose and you are closing it off. Please note that nationally these gardens are being

set up and doctors are prescribing attendance as part of mental health and similar treatments. One such garden was featured this week on the BBC programme "Gardeners World" .

I shall be obliged if the Planning Committee would reconsider the planning application and consider passing it with a proviso that vehicular access is maintained.

38. A Local Resident

I have no objection to the services this application will provide but object to the plans that will cut off vehicular access to Inspire Community Garden and FairPlay garden.

Both these community facilities need vehicular access to continue to provide facilities for those with a variety of disabilities including (ironically) mental health issues.

Inspire Community Garden helped Chesterfield to gain extra points in the latest East Midland in Bloom competition and received a special award for its work.

I am disappointed to see that the revised plans have not addressed the access issues for either of these organisations. Surely it would be possible to amend the site layout slightly to continue the access road down to the boundary on a slope, relocating the boundary wall nearer the 15 bedroom supported living building? A right of access would be required as well. I urge planning committee members to include a planning condition that vehicular access to the two gardens is maintained or it may be that Chesterfield loses these important community facilities.

Public Access – 40 no. representations received from the following addresses:

1. 1 Hartington Road
2. 30 New Queen Street
3. 21 Hunters Walk
4. 42 St Thomas Street
5. 3 Belvedere Close
6. 35 Holymoore Road
7. 109 Ashgate Road
8. 26 Purbeck Avenue
9. 63 Rutland Road
10. 13 Kingswood Close
11. 22 Cobden Road
12. Rushirst, Duckmanton
13. 51 Chartwell Avenue

14. 184 Lockoford Lane
15. 50 Springfield Avenue
16. Rowan Croft, 51 Abbeyhill Close
17. 43 Springfield Avenue
18. 43 Springfield Avenue
19. 43 Springfield Avenue
20. 14 Riddings Croft
21. 4 Bateman Close
22. 83 Houldsworth Drive
23. 14 Horsley Close
24. 37 Barry Road
25. 37 Barry Road
26. 37 Barry Road
27. 10 Heathfield Avenue
28. 74 Brockwell Lane
29. 67 Acorn Ridge
30. 23 Wenlock Crescent
31. 45 Malvern Road
32. 16 Grasscroft Close
33. 181 Hunloke Avenue
34. 69 Ashgate Avenue
35. 14 Brincliffe Close
36. 43 Central Drive
37. 62 Cherry Tree Drive
38. 102 Saltergate
39. 152 The Woodlands
40. Westwick, 264 Newbold Road

- Blocks access to Chesterfield Inspire Community Garden. Makes it more difficult for e.g. local cubs
- Access to Inspire Community Garden will be lost causing the garden to close. Well used local resource.
- I object. It cuts off vehicular access to 'Inspire'. community garden.
- Access to Inspire Community Garden Charity No. 1169713 will be blocked. Causing the garden to close.
- Provide one social good at the potentially fatal expense of another, the Community Garden. Careless!
- Proposal blocks access to Inspire Community Garden. Garden benefits the public (refs available)
- I strongly object due to the impact of access removal on the neighbouring Fairplay & Inspire Gardens

- Building a wall at the back would prevent access and deliveries to Inspire Community garden.
- Fairplay and inspire are council tenants south of the site. Plans should retain their access rights.
- The developers need to modify the plans to maintain the current access, or work with the site ten...
- If granted this application would deny access to Inspire Community Garden, which has a right of way
- Inspire Garden a valuable public health resource. Council must ensure access, Ashgate Rd or other.
- Support redevelopment but only if current access for Fairplay & Inspire Community Garden maintained
- I object to the application as it blocks access to the Inspire garden.
- The development will block access to the Inspire Community Garden.
- Sale Tenure statement; 30+ year right of access; In Bloom Community contribution confirm access need.
- You originally agreed access to the Community Allotment would be honoured. This is unacceptable.
- Unforgivable to the community. Object strongly.
- : Residents are deeply disturbed at your actions.
- the application must ensure right of access for the Inspire Community Garden and Fairplay
- I do not want to see the closure of inspire community garden through lack of vehicular access.
- I object due to inspire community garden losing access forcing it to close for safety
- this dev will stop access for people that need this invaluable community space.
- Access to Inspire Gardens will be lost due to the building of a 2m high wall by the new owners
- Access to Inspire Gardens will be lost due to the building of a 2m high wall by the new owners
- I object on the grounds that this will block access to Inspire Community Garden
- Lack of vehicle access to Inspire Gardens, leading to the closure of a community built project
- I would like to object to the loss of vehicle access to Inspire Community garden and Fairplay site
- As a service user, I object to the retaining wall, stopping access to the Inspire Community Garden.

- This application will have serious consequences for public to access the inspire community garden.
- I object to the loss of access to the Inspire community garden, which helps promote mental health
- Loss of vehicular and disabled access will negate the Inspiration which is our Community Gardens!
- A Community Garden that can only be accessed by fit and healthy members of the community?
- The development needlessly blocks access to Inspire community gardens which is if benefit to locals
- Proposed boundary wall will prohibit vehicle access to Inspire Community Garden and Fairplay
- I object to the unnecessary blocking of access to the Inspire Community and Fairplay gardens
- Loss of vehicle access to ICG is not good for the community & even worse for people who created it.
- The plans don't take into account how this will effect the nearby Community Garden.
- The proposed retaining wall will deny disabled access to Inspire's community garden
- The proposed planning application will block vehicle access to the Inspire Community Garden.

6.3

Officer Response:

Whilst it is noted that there have been a large number of representations received against these application proposals the primary issue raised by these contributors relates to the issues concerning obstruction and closure / loss of access over the application site into the Inspire Community Garden which adjoins the application site to the south.

Currently the application site forms part of the larger Ashgate Road Car Park and an access point utilised by the Inspire Community Garden over this site currently exists; which would be lost as a result of the development proposals.

Notwithstanding this, it is understood that the access point currently being used by the Inspire Community Garden is not authorised and whilst its use was not prevented by the previous owner of the site (Chesterfield Borough Council) the dispute over whether a vehicular access right now exists is a private / civil matter between the two parties involved and this

is not a material planning consideration. Inspire Community Garden occupy land which is leased to Fairplay and the issue is also for Fairplay to resolve however it appears to be the case that access to the land can be provided over the Fairplay land or from the public footpath route which runs along the bottom boundary of the land.

In assessing the planning merits of the application proposals the Local Planning Authority cannot insist that the scheme is amended to accommodate an access to the Community Garden, despite the number of representations received. Nor is the developer obliged to accommodate an access to the Community Garden if no such right of access exists in the deeds of the property.

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 considered to be appropriately sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS4, CS11, CS13, CS18, CS19, CS20 and PS1 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.

9.2 Planning conditions have been recommended to address any outstanding matters and ensure compliance with policies CS7, CS8, CS9, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and therefore the application proposals are considered acceptable.

10.0 **ADDITIONAL RECOMMENDATION**

10.1 That a S106 agreement be negotiated to cover:

- A contribution towards Percent for Art

11.0 **RECOMMENDATION**

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

Time Limit etc

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.

02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.
WM/AR/LP1 – Site Location Plan
WM/AR/6EX – Existing Plans
WM/AR/SL1 Rev D – Proposed Site Layout (rec'd 22/11/2018)
WM/AR/AL1 Rev B – Proposed Assisted Living Elevations & Floor Plans (rec'd 22/11/2018)
WM/AR/CH1 Rev B – Proposed Care Home Elevations & Plans (rec'd 16/11/2018)
WM/AR/LEV Rev A – Proposed Site Sections (rec'd 22/11/2018)
Design and Access Statement by Carlton Design Architecture Ltd
Asbestos Management Survey by Environmental Essentials Ltd dated August 2016.
Asbestos Management Report by Environmental Essentials Ltd dated January 2017.
Demolition Method Statement by WMD Limited dated July 2018
Sustainability Statement by Carlton Design Architecture Ltd
Ecological Appraisal by Encon Associates dated July 2017
Bat Survey Report by Encon Associates dated September 2017
Desk Study Report by Nicholls Colton Geotechnical dated October 2014.
Geoenvironmental Appraisal by iD GeoEnvironmental Consulting Engineers dated April 2017
Aspire Health Care Introductions

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

Drainage

03. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the Local Planning Authority.

If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

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 no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

Land Condition

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

Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

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

Highways

05. Before any other operations are commenced 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.

06. The premises, the subject of the application, shall not be occupied / taken into use until the site access / exit has been modified in accordance with the revised and approved application drawings to be provided with exit visibility sightlines of 2.4m x 47m to the nearside carriageway channel in each direction and all areas in advance of the sightlines being over controlled land/ existing highway and maintained clear of any obstructions greater than 1.0m in height (600mm in the case of vegetation) relative to the same channel level.

Reason – In the interests of highway safety.

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

Reason – In the interests of highway safety.

Hours

08. Construction work (inc. demolition works) 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 amenity.

Local Labour

09. 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.

Ecology & Trees

10. Prior to the installation of any external lighting a detailed lighting strategy shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.

This is to ensure that a sensitive lighting strategy is designed in line with guidance within Paragraph 180 of the NPPF.

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

11. Prior to the commencement of development a biodiversity enhancement strategy that includes the provision of integral bird and bat boxes within the building and native landscaping (based on Section 5.4 of the ecology report (July 2018)) should be submitted to and approved in writing by the

Council. Such approved measures should be implemented in full.

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

12. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
 - a) a scaled plan showing plants to be planted:
 - b) a schedule detailing sizes and numbers of all proposed trees/plants
 - c) sufficient specification to ensure successful establishment and survival of new planting. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) or plants that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

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

Other

13. 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.

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, steps shall be taken 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 (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
04. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.