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File No: CHE/18/00672/FUL  
Plot No: 2/1645

#### ITEM 4

### PROPOSED 32 NO. OFFICE ENTERPRISE CENTRE INCLUDING HARD AND SOFT LANDSCAPING WORKS AND ALTERATIONS TO THE REMAINING CAR PARK LAYOUT AT HOLYWELL CROSS CAR PARK, HOLYWELL STREET, CHESTERFIELD, DERBYSHIRE FOR CHESTERFIELD BOROUGH COUNCIL

Local Plan: Town Centre  
Ward: St Leonards

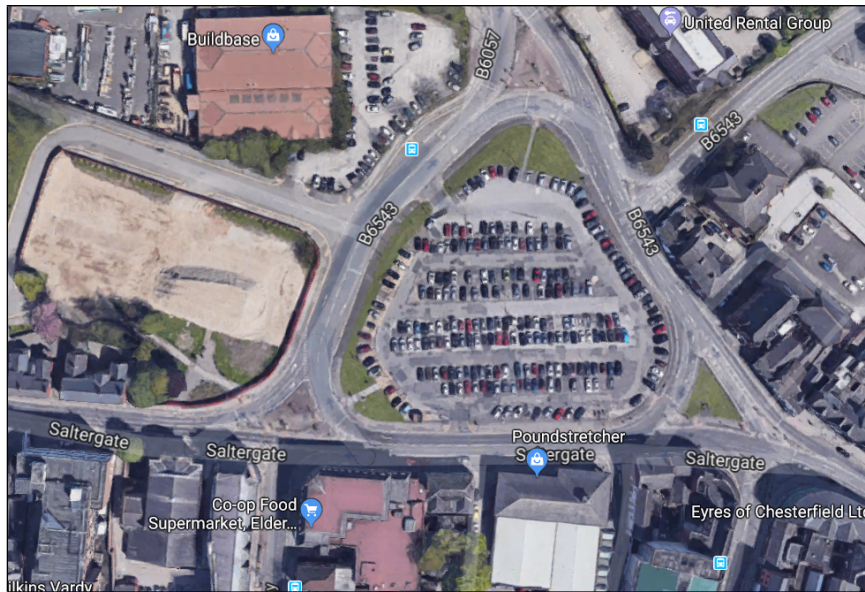
#### 1.0 CONSULTATIONS

<b>Local Highways Authority</b>	Comments received 19/11/2018 – see report
<b>Design Services</b>	Comments received 01/11/2018 ad 06/11/2018 – see report
<b>Environmental Services</b>	No comments received
<b>Yorkshire Water Services</b>	Comments received 02/11/2018 – see report
<b>Lead Local Flood Authority</b>	Comments received 31/10/2018 and 06/11/2018 – see report
<b>Economic Development</b>	Comments received 25/10/2018 – see report
<b>Crime Prevention Design Advisor</b>	Comments received 22/10/2018 – see report
<b>C/Field Civic Society</b>	No comments received
<b>C/Field Cycle Campaign</b>	Comments received 13/11/2018 – see report
<b>Coal Authority</b>	Comments received 06/11/2018 – see report
<b>Conservation Officer</b>	Comments received 01/11/2018 – see report
<b>Urban Design Officer</b>	Comments received 29/10/2018 – see report
<b>Derbyshire Wildlife Trust</b>	Comments received 12/11/2018 – see report
<b>DCC Archaeology</b>	Comments received

	05/11/2018, 23/01/2019 and 06/02/2019 – see report
<b>Estates</b>	No comments received
<b>Strategic Planning Team</b>	Comments received 19/11/2018 – see report
<b>Derbyshire Fire &amp; Rescue Officer</b>	No comments received
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	One representation received

## 2.0 **THE SITE**

- 2.1 The site comprises the southwestern edge of the Holywell Cross carpark (known locally as ‘The Donut carpark’) which is on the northern edge of the town centre and is situated within the centre of the Holywell Cross/Saltergate gyratory. The site is strategically situated at the junction of a number of important routes through the town and represents a prominent location. The site is connected to the town centre via Elder Way, which runs from Holywell Street / Saltergate.
- 2.2 The site area measures 0.26ha and comprises of the south western portion of the larger area of surface car parking. The ‘Donut’ comprises a large, open surface car park enclosed by busy roads and surrounded by existing development. The current access into the car park is via Saltergate (on the southern boundary) with a separate exit on the northwest boundary. Grass verges are situated around the western and northern fringes and a continuous footway runs around the perimeter of the gyratory. An electricity sub-station is located on the southern edge of the site (close to Saltergate) which is contained within a green metal container.
- 2.3 To the west is the site of the former Saltergate Multi-Storey Car Park (MSCP) which was demolished in mid-2018 and a new MSCP is currently under construction. In the wider area there are properties fronting Holywell Street and Saltergate which surround the application site.
- 2.4 The site is located within the Chesterfield Town Centre Conservation Area and once formed part of the historic core of the town, although it is understood the former buildings on the site were cleared in the 1970s.



### 3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/0492/0236 - Use of Holywell Cross car park for Sunday car boot sale. Conditional permission 10/06/1992.
- 3.2 CHE/1103/0784 - Erection of sponsorship signs. Conditional permission 19/02/2004.

### 4.0 **THE PROPOSAL**

- 4.1 The application, which is submitted in full, proposes a 2250sqm office development incorporating 32 offices located throughout a three storey building which comprises reception and meeting rooms at ground floor, and communal breakout spaces that will overlook the car park. The development proposed will accommodate different types of businesses by incorporating varied sized offices, encouraging both start-up and established businesses to the building.
- 4.2 The building is located towards the western edge of the site with the building 'cranked' in the centre to follow the alignment of the road. Servicing is indicated at the northern end of the building, with space allocated for deliveries and waste collections. A plaza space is proposed in front of the southern façade and the existing substation is proposed to be re-clad and extended to incorporate a freestanding separate cycle store.



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

- 16-338\_PL\_01 – Existing Site Layout Plan
- 16-338\_PL\_02 – Proposed Site Plan
- 16-338\_PL\_03 – Proposed Ground Floor
- 16-338\_PL\_04 – Proposed First Floor
- 16-338\_PL\_05 – Proposed Second Floor
- 16-338\_PL\_06 – Proposed Roof Plan
- 16-338\_PL\_07 – Proposed Elevations Sheet 1
- 16-338\_PL\_08 – Proposed Elevations Sheet 2
- 16-338\_PL\_09 – Proposed Elevations Sheet 3
- 16-338\_PL\_10 – Proposed Sections
- 16-338\_PL\_11 – Indicative External Signage Locations
- 16-338\_PL\_12A – Proposed Substation & Cycle Store Details
- 16-338\_PL\_13 – Proposed Visuals – Sheet 1
- 16-338\_PL\_14 – Proposed Visuals – Sheet 2

16-338\_PL\_15 – Proposed Visuals – Sheet 3  
16-338\_PL\_16 – Typical Details – Sheet 1  
16-338\_PL\_17 – Typical Details – Sheet 1  
16-338\_PL\_19 – Typical Window Details – Sheet 2  
16-338\_PL\_20 – Substation & Cycle Store Proposed Visualisations  
6629-NQWC-MJM-00-B2-DR-C-1500 D2\_P6 – Proposed Drainage  
Plan  
~~PL1684-VW-102 – Operational Diagram~~  
~~PL1684-VW-106 – Existing Levels~~  
~~PL1684-VW-107 – Proposed Levels~~  
~~PL1684-VW-108 – Hardworks Plan~~  
~~PL1684-VW-109 – Softworks Plan~~  
~~PL1684-VW-112 – Thermoplastic Markings~~  
~~PL1684-VW-113 – Lighting Strategy~~  
~~PL1684-VW-115 – Phase I Masterplan~~

- Acoustic Report by Acoustic Consultancy Partnership Ltd dated 7<sup>th</sup> September 2018;
- BREEAM Pre-Assessment Report by DDA Building Services Consultant Engineers dated 28<sup>th</sup> August 2018;
- Coal Mining Risk Assessment by DTS Raeburn Limited dated April 2017;
- Design and Access Statement by Whittam Cox dated September 2018;
- Ecology Report by Kate Priestman Ecology dated August 2018;
- Energy and Sustainability Statement by DDA Building Services Consultant Engineers dated 10<sup>th</sup> September 2018;
- Flood Risk Assessment Rev A by MJM Consulting Engineers dated 27<sup>th</sup> September 2018;
- Geo-Environmental Appraisal by DTS Raeburn Limited dated August 2017;
- Desk Based Assessment by ArcHeritage dated August 2017;
- Heritage Statement by ArcHeritage dated August 2017;
- Passive Design Report Statement by DDA Building Services Consultant Engineers dated 10<sup>th</sup> September 2018;
- Preliminary Risk Assessment Report by DTS Raeburn Limited dated February 2017;
- Site Investigation Plan by DTS Raeburn Limited;
- Thermal Comfort Report by DDA Building Services Consultant Engineers dated August 2017;
- Transport Statement by AECOM dated August 2017;

- Travel Plan by AECOM dated August 2017; and
- UXO Risk Assessment by First Line Defence Ltd dated 3<sup>rd</sup> April 2017.

### **Revised Plans Received 31/01/2019**

16-338\_PL\_01A – Existing Site Layout Plan  
 16-338\_PL\_02A – Proposed Site Plan  
 16-338\_PL\_03A – Proposed Ground Floor  
 PL1684-VW-101 – General Arrangement  
 PL1684-VW-102 – Operational Diagram  
 PL1684-VW-106 – Existing Levels  
 PL1684-VW-107 – Proposed Levels  
 PL1684-VW-108 – Hardworks Plan  
 PL1684-VW-109 – Softworks Plan  
 PL1684-VW-112 – Themoplastic Markings  
 PL1684-VW-113 – Lighting Strategy  
 PL1684-VW-114 – Drainage Strategy  
 PL1684-VW-115 – Phase I Masterplan  
 PI1684-VW-121 – Car Park Throughout Construction Period

### **Supporting Information Received 05/02/2019**

Archaeological Evaluation Report by ArchHeritage dated 2019.

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

5.1.1 The site is situated in the built settlement of the St Leonards ward in an area predominantly commercial in nature. The site is allocated in the development plan (consisting of the Chesterfield Borough Local Plan Core Strategy - adopted 2013, and the saved policies of the adopted Replacement Chesterfield Borough Local Plan) and forms part of the Chesterfield Town Centre area, specifically the 'Northern Gateway' area.

5.1.2 Having regard to the nature of the application policies CS1, CS2, CS3, CS4, CS6, CS7, CS8, CS9, CS13, CS15, CS18, CS19, CS20 and PS1 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.

### 5.2 **Principle of Development**

- 5.2.1 The site forms part of the Chesterfield Town Centre area, specifically the 'Northern Gateway' area, and is considered 'in centre' in sequential terms. The Chesterfield Town Centre Masterplan, whilst not a formal planning document, is also a material consideration given its reference in policy PS1.
- 5.2.2 Regarding the principle of development, the key policies are the extent to which the proposal accords with policies PS1 and CS1 of the Local Plan and the application of the sequential assessment set out in the NPPF.
- 5.2.3 Policy CS1 seeks to locate development within walking distance of centres wherever possible. As the site is within Chesterfield Town Centre this is clearly the case. PS1 requires that planning permission be granted for development that Protects and enhances the centre's sub-regional and local role in providing employment, services, leisure and retail, and support the objectives of the Chesterfield Town Centre Masterplan. For the Northern Gateway specifically, Policy PS1 states:

***On land between Newbold Road/Holywell Street and Saltergate, which comprises the Northern Gateway Development Project, planning permission for re-development will only be granted for comprehensive proposals to provide an extension to the primary retail area of Chesterfield Town Centre.***

***Re-development will be through a retail-led mixed-use scheme to include a new food store, comparison retail and other ancillary town centre uses including leisure (D2) and food and drink uses, B1 offices, community facilities (D1), financial and professional services (A2), dwellings and replacement public car parking and public transport facilities. On and off-site highways and access improvements will integrate new development with Chesterfield Town Centre, adjacent retail areas and the historic market through improved pedestrian and cycle connections. Applications for planning permission will be accompanied by a masterplan showing a comprehensive approach to the site.***

- 5.2.4 The market has moved on since this policy was originally drafted and changes in the demand for retail space have prevented previous schemes from progressing. Redevelopment is now

underway on the replacement of the nearby Saltergate Car Park and the refurbishment of the former Co-op for a Hotel and Leisure scheme. The scheme must therefore be seen in this context and whether it would, in isolation, prevent the further redevelopment of the area for Town Centre uses. The proposed use is one of the key uses envisaged for this area and the accompanying Design and Impact Statement sets out a wider masterplan for the site that demonstrates the potential to deliver subsequent phases of development. The proposal will bring additional employment opportunities into the town centre as well as employees that are likely to use the shops and services on offer in the centre. It is therefore considered that the proposal accords with the principals of policy PS1 in supporting the vitality and viability of Chesterfield Town Centre.

5.2.5 Turning to the sequential assessment, para 86 of the NPPF requires planning authorities to apply the sequential test to applications for main town centre uses that are not in an existing centre and not in accordance with an up to date plan. Annex 2 to the NPPF includes office use within the definition of 'Main Town Centre uses'. In this case the proposal is within Chesterfield Town Centre and for a use allocated in an up to date plan and there is no requirement for a separate assessment to be submitted.

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

5.3.1 The site is located on the northern edge of the town centre where new commercial development would be appropriate in principle and would support the vitality and viability of town centre.

5.3.2 The building provides 2415sqm of office space and occupies one part of the western end of the Donut car park. The amount of development is considered to be proportionate to the location and proposed scale.

5.3.3 The building is located towards the western edge of the site with the building 'cranked' in the centre to follow the alignment of the road. This creates interest in the building and assists in managing the scale and mass of the built form and introducing recessed areas to the central elements of the building.



- 5.3.4 Servicing is indicated at the northern end of the building, with space allocated for deliveries and waste collections. A modest plaza space is proposed in front of the southern façade and would provide a complementary public space in front of the Enterprise Centre and opposite the new Premier Inn hotel opposite (former Co-op).
- 5.3.5 The building has a contemporary appearance but utilises traditional brick within the facades and includes elements of brick detailing which will add interest within the design. Cladding boards (Equitone Tectiva: Colour Hessian) would provide contrasting texture and colour and areas of glazing provide further visual relief. An amended treatment and finish to the proposed substation and cycle store positioned adjacent the main building also ensures an appropriate finish to this ancillary building.
- 5.3.6 The contemporary design complements the surrounding context and it is considered that the design would make a positive contribution to the local townscape. The hard and soft landscape proposals will enhance the environment around the building and provide a positive pedestrian link back towards Elder Way and the appearance this part of the town centre. Pedestrian connectivity would be enhanced through the hard and soft landscape design which would improve the quality of the environment in this area and complete the enhancements around this intersection, in conjunction with the public realm improvements planned as part of the replacement MSCP development and refurbishment of the former Co-op along Elder Way.
- 5.3.7 In light of the above the proposed development is supported in terms of urban design considerations and the development proposals overall are considered to achieve an appropriate external design and finish which accord with the provisions of policies CS2 and CS18 of the Core Strategy and the wider NPPF.

## 5.4 **Highways / Transport**

- 5.4.1 The application submission is supported by a Transport Statement and Travel Plan, which alongside the detailed plans have been reviewed by the **Local Highways Authority** (LHA) who made the following comments:

*The submitted details propose a 32no. office Enterprise Centre on a part of the existing car park with a consequential loss of 65no. off-street parking spaces. It's noted that this loss is made up for within the new multi-storey car park development currently being developed on land to the west of the application site.*

*It would appear that there is an intention to undertake Works within the highway to both widen the southern access and resurface the footway fronting the site between the two existing vehicular accesses.*

*The Operational Diagram (drg.no. PL1684-VW-102) demonstrates two-way use of both existing vehicular access/exit points. It's not clear whether this is intended to be a temporary measure during the construction phase or a permanent proposal. In either case, the Highway Authority has concerns with such an arrangement and, when bearing in mind operation of the existing highway around this site, considers that the existing entry and exit only layouts should be retained. It's appreciated that this may lead to some difficulty in providing separation between construction traffic and the general public however, from a highways viewpoint, two-way use of the accesses would raise safety concerns within the highway. It's not clear whether there would be a need to modify the access if the existing arrangement is to be retained – suitability of the layout to cater for the largest vehicles likely to frequently visit the site should be demonstrated by means of swept path analysis.*

*Use of footway surfacing materials compatible with those to be approved for use on the Elder Way enhancement would be acceptable. These Works would require entry into an Agreement with the Highway Authority under Section 278 of the Highways Act 1980.*

*The Design and Access Statement available on your Authority's website demonstrates a Refuse Strategy that involves movement of (presumed industrial size) waste bins for an appreciable distance along the adopted footway. This isn't considered to be an acceptable proposal and transport of the bins between the bin store and the proposed collection point should be contained entirely within the development site. A suitable barrier should be installed and maintained across the site frontage to reduce the likelihood of waste collection taking place from the highway.*

*It's noted that a Transport Statement and Travel Plan have been submitted in support of the proposals and are available on your Authority's website. The content of the Transport Statement has been reviewed and, whilst it should be understood that as a generality the Highway Authority does not "agree" the content of such a document or, inevitably, concur with every detail contained therein, it's considered that there is no evidence base to suggest that the conclusion of the Statement is incorrect. Specific comments with respect to the Travel Plan will be forwarded when available.*

*Therefore, whilst there are no objections to the principle of the proposed development, it's recommended that the proposed vehicular and refuse access arrangements are reviewed and modified in a manner to satisfactorily address the above issues.*

- 5.4.2 The comments of the Highway Authority have been reviewed by the Applicant, who provided an explanatory response by email dated 21/11/2018 and which was forwarded to the LHA for further review. Further proposals concerning the access arrangements to the site including temporary access amendments to take account of the construction phase of the development were also provided on 31/01/2019 and these were also sent to the LHA for consideration.
- 5.4.3 Having regard to the advice given by the LHA above it is acknowledged that the proposal would result in the loss of 65 car parking spaces. However this should be balanced by the additional spaces to be secured in the redevelopment of the adjacent Saltergate MSCP. Whilst this will provide on paper a like for like replacement of spaces (replacing 529 with 530), as two floors of the old MSCP had not been in use for some years, and all of the new spaces will be available for short stay parking, there will be effectively a small net increase in spaces available in this area of the town centre. The current proposal does not indicate that there will be any dedicated parking spaces, but the town centre offers good bus links and a range of on and off street parking opportunities which will be available for employees and visitors to the site.
- 5.4.4 In respect of the construction phase of development the applicants has indicated that a part of the adjacent car park will be used as a construction compound. There is also a desire is to maintain 124

no. parking spaces in the remainder of the car park site which will be available for use by the general public during the construction period. To achieve this, the access and egress arrangements to the car park are shown to be reviewed to enable a construction compound to be created and segregated from the public parking area. Currently access into the site is via Saltergate to the south of the car park and egress is onto the one-way system to the west / north west of the car park. The proposals submitted show the intention to temporarily enable the west / north west access point to serve the construction compound in and out and to widen the southern access point to serve as an in and out junction for users of the retained parking.

- 5.4.5 Discussions with the LHA about such an arrangement, all be it temporary indicate that the LHA continues to have reservations about the safe operation of the amended southern access point as an in and out access. They consider that there could be conflict arising as those waiting to exit the southern access will attempt to cross two lanes to enter Saltergate in an east to west direction and that this would be against the best interests of highway safety. The LHA has therefore indicated that they would only be willing to accept the temporary alterations presented with the construction phase solution if through a planning condition backstop the public car park would be closed or an alternative access arrangement agreed if the access was found to be operating unsatisfactorily and putting safety at risk. The LHA would also wish for the access points to be amended back to their previous arrangement and geometry post completion of works to reinstate the in access off the southern boundary and the out access on the west / north west boundary. It is considered that this post development arrangement could be covered by an appropriate planning condition in the best interests of highway safety.

- 5.4.6 The **Chesterfield Cycle Campaign (CCC)** were invited to comment on the application submission as well and they made the following representation:

*We have no problem with the idea of the innovation centre and its location but Chesterfield Borough Council CS20 states that priority will be given to pedestrian and cycle access. Unfortunately this application barely mentions cycling as a method of transport. Just one phrase that 'the development being in the town centre means that cycle routes are accessible'. This statement ignores the fact*

*that using the nearest cycle route (on road) along Knivesmithgate its actually impossible to access the Donut because Elder Way is a one way road.*

*Many months ago at the public consultation about this proposal that took place at the Market Hall both the Cycle Campaign and Transition Chesterfield suggested that as part of the public realm improvements on Elder Way a contraflow cycle lane be included with the crossings of Saltergate and the Donut 'roundabout' upgraded to Toucan crossings to allow easy cycle access to this new site. This proposal seems to have been ignored resulting in this application failing to meet CS20.*

*We note the proposal for a cycle storage building included with this application. As with all our comments we ask that Sheffield stands are placed a minimum of 1.2m apart to allow for bikes with panniers to be able to use them easily.*

*There is an opportunity here to start to create a safe cycling exit from the town centre to Newbold Road. A contraflow cycle lane along Elder Way, cross to the donut, across the donut car park and use the crossings to get to Newbold Road. Currently to get from the town centre to Newbold Road by bicycle forces you to use the donut roundabout, an off-putting situation which results in people cycling along the pavement next to the site of the multi storey or riding up the narrow footways on Saltergate to access Union Walk (no cycling allowed!)*

*We urge the planning officer and committee to consider how easily some useful cycle infrastructure could be incorporated into this application so that it will meet the aspirations of CS20 and insist that this application is amended.*

5.4.7 Having regard to the comments made above, Policy CS20 of the Core Strategy states that developments will be expected to demonstrate prioritisation of pedestrian and cycle access to and within site; as well as protecting or improving the strategic pedestrian cycle network.

5.4.8 In this respect the inclusion of cycle parking facilities with the development proposals are welcomed, however it is accepted that a segregated approach to the site for cyclists is not available without the use of the Holywell Cross gyratory system, which is not

itself particularly cycle friendly. Notwithstanding this however the development proposals are only a component part of the wider aspirations for the Town Centre 'Northern Gateway' area. Schemes to enhance Elder Way are being progressed with the Local Highways Authority, the new MSCP is under construction and subsequent development phases of 'Northern Gateway' are subject to masterplanning by the Council.

- 5.4.9 As part of the Northern Gateway area the Council are working with DCC Highway in reviewing options to reconfigure the highway network alongside masterplanning / progression of other phases of such redevelopment opportunities. In the interim however it is accepted that until a fundamental change is proposed to the wider highway network and layout, access to the central Holywell Cross site will be dependent upon the existing crossing points which are only pelican crossings.
- 5.4.10 The commentary and amendments being suggested by the Cycle Campaign in their consultation response appears to overlook the fact that the planning decision maker must apply a planning balance to all material considerations and this means that there are other issues as well as cycle provisions and connectivity which have to be weighed into the balance of planning judgement often leading to compromises.
- 5.4.11 In this case there are physical limitations over the size / width of crossing islands and conflict with other pedestrians to take into account. Furthermore it is understood that the Council are working on a scheme of alterations to Elder Way however these works are being undertaken within highway limits and do not require planning permission. It is not therefore reasonable to look to resolve issues the cycle campaign have raised with the Elder Way proposals as part of this planning application. The suggestions which affect Elder Way including the introduction of a contraflow cycle lane have been met with a comment from the applicant and the LHA that such a proposal is not able to be accommodated alongside all other improvements being propose to Elder Way.
- 5.4.12 Officers have enquired with the LHA whether it would be possible to upgrade the two current crossing points located at Elder Way and Cavendish Street ends of the car park to improve cycle access to the application site from the town centre end however the LHA indicated that this would require cyclists to use the footpath

connected therewith and which are not ideally dimensioned to promote such retrospective changes. It is therefore accepted that a wider strategic solution is necessary to improve cycle connectivity in this area of the town centre, however it is not considered that the development being proposed can be held to ransom on this matter. The development itself provides appropriate cycle parking provision and being in the town centre it is located in a sustainable location where people can choose alternative means of accessing the site without reliance upon a private car if they wish.

- 5.4.13 In respect of on site cycle parking it is noted that CCC comment on the need for Sheffield stands placed 1.2m apart, however the scheme being proposed is to provide two tier cycle parking facilities in a building where the storage system does not appear to accommodate the dimensions that CCC suggest. The provision of a rack of Sheffield cycle stands within the hard landscaping adjacent to the building should therefore be explored to meet this specific demand. An appropriate planning condition can be placed on any such decision issued to address this outstanding matter.

## 5.5 Heritage / Archaeology

- 5.5.1 The application site lies in a prominent location adjacent to the Town Centre Conservation Area as well as being located just in the northern edge of the Town Centre Historic Core and accordingly matters in respect of heritage and archaeology are material considerations (Policy CS19 of the Core Strategy).

- 5.5.2 The application submission is supported by a Heritage Statement and Archaeological Assessment which have been reviewed by DCC Archaeology (DCC Arch) and the Council's **Conservation Officer** (CO) who have made the following comments:

*CO - No objections. The doughnut car park is a large expanse of tarmac car parking, the monotony of which is not broken up by any landscaping or tree cover. Consequently it has a negative visual impact on the wider town centre conservation area. The proposed development will introduce some much needed visual interest (the doughnut car park is something of a prominent gateway into the town from Sheffield Road and Brewery Street). The design and materials of the proposed development are not inappropriate in my view and the enterprise centre should offer an interesting contrast*

*between the new and the more historic buildings in this part of the town. At 3-storeys the building would be similar in height to those buildings closest to it (i.e. the existing co-op store and former co-op building on Elder Way) so it should blend in reasonably well into the surrounding urban grain.*

*The applicant's Heritage Statement is robust (certainly in terms of on-the-ground heritage) and I would agree with its conclusions which state that: the listed buildings within the vicinity will not be impacted significantly by the proposed development; the existing car park does not form a positive contribution to the character of the Town Centre Conservation Area; and that the car park forms a gap in the existing townscape which detracts from the character of the conservation areas and its sensitive redevelopment will be a positive contribution.*

*DCC Arch - Archaeological Desk-Based Assessment and Heritage Assessment reports have been produced and submitted with this application. These documents provide a useful overview of the archaeological and built environment of the proposed development site. Information in the desk based assessment suggested that Roman remains may occur on the site on the basis that features from this period have been identified during works at Durrant Road some 0.18 km from it. Roman coins and pottery have also been recovered from a site 0.25km to the north east, with the major focus of Roman activity being around the All Saints Church some 150m to the south –east.*

*Taking this in to account a scheme of archaeological trial trenching should be undertaken on the site to assess below ground conditions. The results of this trial trenching can then inform any post-permission archaeological mitigation. This would be in line with the requirements of NPPF para 189 which requires that applicants establish the significance of heritage assets, and the level of impact to that significance through their development proposals. We would strongly advise that the archaeological field evaluation be undertaken in advance of a planning decision on this scheme.*

### 5.5.3

In respect of the comment made above, the observations of the CO and DCC Arch were noted and the applicant was requested to undertake the subsequent field evaluation / trial trenching deemed necessary. These works took place in early 2019 and a report of



the findings submitted 05/02/2019 was further reviewed by DCC Arch who commented as follows:

*An archaeological evaluation was conducted on this site in January this year. The field evaluation consisted of the archaeological excavation of four trenches located at intervals across the footprint of the development. Remains were found to survive in all trenches. These largely related to the foundations of buildings which are depicted on the 1849 OS map of the town, which are considered to be of late 18<sup>th</sup> or early 19<sup>th</sup> century origin. The condition of these remains was found to be good below the demolition layer. Earlier deposits were encountered below the 18<sup>th</sup>/19<sup>th</sup> century foundations in 3 out of 4 of the trenches. Pottery dating from as early as the 14<sup>th</sup> century was recovered from deposits but the confines of the evaluation trenches precluded any further investigation. An exploratory sondage was excavated in trench 4 which identified archaeological deposits at 1.75m below ground level.*

*Taking into account the depth and well preserved nature of archaeological remains on this site we would recommend that a further phase of archaeological investigation should take place in order to characterise the earlier deposits which lie under the 18<sup>th</sup>/19<sup>th</sup> century foundations. This work could be undertaken following a grant of planning permission but in advance of any ground preparation or construction taking place.*

*This requirement is in line with NPPF para 199 which requires developers to record and advance understanding of the significance of any heritage assets which are to be lost.*

*We would therefore recommend that the following pre-start condition be attached to any grant of permission for the scheme:*

*"a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and*

1. *The programme and methodology of site investigation and recording*
2. *The programme for post investigation assessment*
3. *Provision to be made for analysis of the site investigation and recording*
4. *Provision to be made for publication and dissemination of the analysis and records of the site investigation*
5. *Provision to be made for archive deposition of the analysis and records of the site investigation*
6. *Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"*

*"b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)."*

*"c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured."*

*The archaeological excavation is to be undertaken, by a suitably experienced and qualified archaeological contractors (ClfA registered organisation), to a Written Scheme of Investigation which is to be agreed with ourselves.*

5.5.4 Overall it is considered that the development proposals accord with the provisions of policy CS19 of the Core Strategy and subject to appropriate planning condition regrading archaeology para. 189 of the NPPF. It is considered that the developments design respond positively to the 'civic' heritage and statutory designations in the surrounding area and albeit contemporary in design they are acceptable.

## 5.6 **Flood Risk / Drainage**

5.6.1 The application form initially submitted with the application indicates that the development proposes mains foul drainage

connection and surface water to be handled by a soakaway drainage connection.

- 5.6.2 In accordance with policy CS7 of the Core Strategy and the wider NPPF the development will be required to demonstrate and implement an appropriate drainage solution which explores the possibility to utilising sustainable drainage solutions alongside a system to control site runoff at a rate which accords with current guidance.
- 5.6.3 The **Lead Local Flood Authority (LLFA)**, **Yorkshire Water Services (YWS)** and the **Design Services (DS)** team have reviewed the application submission. YWS had no objections in principle to the development, however both the DS Team and the LLFA have commented with initial reservations over the use of soakaways and the need for further information on the proposed drainage strategy to be provided and more specifically about the proposed drainage surface water drainage solution being promoted by the development as follows:

*LLFA – The LLFA are recommending an objection for this application based on the current drainage strategies proposal of infiltration, due to the ground conditions making this unsuitable for the site.*

*Percolation testing has been completed for the site however this is at a much greater depth than the soakaways are proposed to be installed at. Therefore while the testing shows suitable infiltration rates, the conditions the soakaways would provide infiltration into are not the same, infiltrating into made ground rather than the natural strata below.*

*Infiltration into the made ground could also lead to stability issues within the ground. While the proposed building is designed with the foundations drilled into the bedrock to mitigate against this, it could affect the surrounding car park and carriageways, due to their proximity.*

*DS Team - The main concern we have for the above application is that it appears to be infiltrating surface water into the made ground just beneath the surface and not into the natural strata further below. Whilst this may not affect the building's own foundations laid down to bedrock, it may affect the surface and that of the adjacent public car park. We have experienced previous surface defects in the public car park where the filled ground beneath the*

*surface has settled, including surface collapses where the ground had settled in existing cellars beneath. We are therefore concerned that infiltrating water into this strata would encourage further settlement of the fill material and increase the risk of further surface defects and hazards.*

*We would therefore advise that if infiltration methods are to be utilised, they would require discharge into the natural strata at a suitable depth beneath the made ground. This would require infiltration testing to BRE Digest 365 that the designer has suggested would be undertaken at detailed design stage anyway. Alternatively, a positive drainage connection may be necessary.*

5.6.4 The comments of the consultees have been passed to the applicant for consideration and it is understood that an appropriate drainage consultant has been appointed by the architect / agent to progress the respective drainage designs in full. Overall it is accepted, given the scale of the development site, that an appropriate drainage strategy can be incorporated on the site. A pre-commencement planning condition imposed on any permission granted would require the developer to design and submit a full drainage strategy for the site accompanied by all the relevant evidence and information being sought by the LLFA and DS team in their initial comments.

5.6.5 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.

## 5.7 **Land Condition / Contamination**

5.7.1 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.

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

*This planning application is supported by a Coal Mining Risk Assessment (dated April 2017 and prepared by DTS Raeburn Limited) and a Geo-Environmental Appraisal (dated August 2017 and prepared by DTS Raeburn Limited). These reports are supported by an appropriate range of geological and coal mining information from a range of sources such as, Borehole Records from previous investigations, Geophysical Surveys, Coal Mining Consultant's Report and Historical Maps.*

*Within the Coal Mining Risk Assessment, the report author made recommendations for Intrusive Site Investigations in the form of 4no. rotary boreholes, drilled to a provisional depth of 30m below present ground level within Area 'A' in order to confirm the presence or otherwise of shallow coal mine workings and/or associated voids.*

*The report author has presented the findings of the Site Investigations within the Geo-Environmental Appraisal. Within the recent Intrusive Site Investigations, the report author confirms that no evidence of mining activity has been found in the rotary boreholes, such as voids or collapsed ground. Although intact coal was encountered, there was no evidence of historical mine workings and as such the report author has concluded that no further risk assessment or remedial action is necessary with respect of former underground coal mining prior to the commencement of the currently proposed development.*

- 5.7.3 Having regard to the comments detailed above from the CA these ensure compliance with policy CS8 of the Core Strategy and the wider NPPF in respect of land condition.
- 5.7.4 In respect of land condition / noise and air quality the Council's **Environmental Health Officer** (EHO) was consulted on the application submission but no comments were received.
- 5.7.5 Notwithstanding the absence of any specific response, the results of the site investigation report and geo-environmental appraisal set out measures and recommendations to address issues arising from establish land conditions and therefore subject to the development being undertaken in accordance with these recommendations there are no adverse environmental impacts arising from the development proposals.

5.7.6 In respect of noise the site does share proximity and boundaries with properties which include residential units and therefore it will be necessary to ensure that construction hours are controlled to protect the amenity of these residents.

## 5.8 **Biodiversity / Sustainability**

5.8.1 Albeit it is acknowledged the site the subject of the application boasts a very limited ecological contribution due to its hard surfacing / highly maintained grass verge character, the application submission is supported by an ecological report.

5.8.2 Policy CS9 (f) of the Core Strategy seeks to enhance the borough's biodiversity. The development provides an excellent opportunity to incorporate bird and bat nesting and roosting opportunities.

5.8.3 The application submission has been reviewed by **Derbyshire Wildlife Trust** (DWT) who offered the following commentary:

*The application area is currently of low ecological value and opportunities exist within proposals to provide significant improvements to biodiversity. The brickwork would lend itself well to integrated swift boxes at the upper courses and bat boxes around 5 m from ground level. This would be an opportunity to build in provision for protected species simply and cheaply, providing real benefits to the town centre wildlife. It would also help achieve BREAM credits.*

*We would encourage the landscaping to provide benefits for pollinators through the inclusion of flowering, nectar rich plant varieties, with native species included where practicable. Sufficient information has been provided to determine the application and should the council be minded to grant planning permission, we advise that the following condition is attached:*

### **Ecological Enhancement Strategy**

*Prior to building works commencing above foundation level, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2018. Such approved measures should be implemented in full and maintained thereafter. Measures shall include:*

- *details of integrated swift boxes will be clearly shown on a plan (positions/specification/numbers).*
- *details of integrated bat boxes will be clearly shown on a plan (positions/specification/numbers).*
- *summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).*

5.8.4 It is pleasing to note that the building will be constructed to BREEAM non-residential 'excellent' standard, in accordance with Local Plan policy CS6. Suitable conditions should be attached to any permission to secure the measures set out in the assessment are delivered and assessment post development.

5.8.5 Having regard to the comments made by DWT above 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.

## 5.9 Other Considerations

### S106 / Planning Obligations

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

5.9.2 Internal consultation has therefore taken place with the Councils own **Economic Development** and **Strategic / Forward Planning** team on the development proposals to ascertain what specific contributions should be sought.

5.9.3 The responses have been collaborated to conclude a requirement to secure contributions via conditions in respect of up to 1% of the overall development cost for a percent for art scheme (Policy CS18); and under the provisions of policy CS13 (Economic Growth) the need to secure by condition a Local Labour / Employment Strategy.

5.9.4 With regards 'Percent for Art' it is understood that the applicant is looking to commission a scheme of public art which in agreement with the LPA allows for up to five contributions to be 'pooled' to secure a more substantial piece of artwork installed in the vicinity of the application site, the MSCP and Elder Way. Under the community infrastructure levy regulations LPAs are permitted to pool up to five contributions and the decision to adopt this approach on this particular scheme was taken by cabinet 4<sup>th</sup> Dec 2018.

#### Community Infrastructure Levy (CIL)

5.9.5 The proposed use of the building falls within a B1 Use Class 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 24/10/2018 and by advertisement placed in the local press on 25/10/2018.

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

#### **A Local Resident**

I agree with the Design & Access Statement and support the proposed delivery of the first phase of the projected Northern Gateway development.

I like the proposed building's appearance.

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

### 7.0 **HUMAN RIGHTS ACT 1998**

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

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



- The interference impairs as little as possible the right or freedom

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

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

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 **RECOMMENDATION**

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

### 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.

~~16-338\_PL\_01 – Existing Site Layout Plan~~

~~16-338\_PL\_02 – Proposed Site Plan~~

~~16-338\_PL\_03 – Proposed Ground Floor~~

16-338\_PL\_04 – Proposed First Floor

16-338\_PL\_05 – Proposed Second Floor

16-338\_PL\_06 – Proposed Roof Plan

16-338\_PL\_07 – Proposed Elevations Sheet 1

16-338\_PL\_08 – Proposed Elevations Sheet 2

16-338\_PL\_09 – Proposed Elevations Sheet 3

16-338\_PL\_10 – Proposed Sections

16-338\_PL\_11 – Indicative External Signage Locations

16-338\_PL\_12A – Proposed Substation & Cycle Store  
Details

16-338\_PL\_13 – Proposed Visuals – Sheet 1

16-338\_PL\_14 – Proposed Visuals – Sheet 2

16-338\_PL\_15 – Proposed Visuals – Sheet 3

16-338\_PL\_16 – Typical Details – Sheet 1

16-338\_PL\_17 – Typical Details – Sheet 1  
16-338\_PL\_19 – Typical Window Details – Sheet 2  
16-338\_PL\_20 – Substation & Cycle Store Proposed  
Visualisations  
6629-NQWC-MJM-00-B2-DR-C-1500 D2\_P6 – Proposed  
Drainage Plan  
~~PL1684-VW-102 – Operational Diagram~~  
~~PL1684-VW-106 – Existing Levels~~  
~~PL1684-VW-107 – Proposed Levels~~  
~~PL1684-VW-108 – Hardworks Plan~~  
~~PL1684-VW-109 – Softworks Plan~~  
~~PL1684-VW-112 – Themoplastic Markings~~  
~~PL1684-VW-113 – Lighting Strategy~~  
~~PL1684-VW-115 – Phase I Masterplan~~

Acoustic Report by Acoustic Consultancy Partnership Ltd  
dated 7<sup>th</sup> September 2018;  
BREEAM Pre-Assessment Report by DDA Building Services  
Consultant Engineers dated 28<sup>th</sup> August 2018;  
Coal Mining Risk Assessment by DTS Raeburn Limited  
dated April 2017;  
Design and Access Statement by Whittam Cox dated  
September 2018;  
Ecology Report by Kate Priestman Ecology dated August  
2018;  
Energy and Sustainability Statement by DDA Building  
Services Consultant Engineers dated 10<sup>th</sup> September 2018;  
Flood Risk Assessment Rev A by MJM Consulting Engineers  
dated 27<sup>th</sup> September 2018;  
Geo-Environmental Appraisal by DTS Raeburn Limited dated  
August 2017;  
Desk Based Assessment by ArchHeritage dated August 2017;  
Heritage Statement by ArchHeritage dated August 2017;  
Passive Design Report Statement by DDA Building Services  
Consultant Engineers dated 10<sup>th</sup> September 2018;  
Preliminary Risk Assessment Report by DTS Raeburn  
Limited dated February 2017;  
Site Investigation Plan by DTS Raeburn Limited;  
Thermal Comfort Report by DDA Building Services  
Consultant Engineers dated August 2017;  
Transport Statement by AECOM dated August 2017;  
Travel Plan by AECOM dated August 2017; and

UXO Risk Assessment by First Line Defence Ltd dated 3<sup>rd</sup> April 2017.

**Revised Plans Received 31/01/2019**

16-338\_PL\_01A – Existing Site Layout Plan  
16-338\_PL\_02A – Proposed Site Plan  
16-338\_PL\_03A – Proposed Ground Floor  
PL1684-VW-101 – General Arrangement  
PL1684-VW-102 – Operational Diagram  
PL1684-VW-106 – Existing Levels  
PL1684-VW-107 – Proposed Levels  
PL1684-VW-108 – Hardworks Plan  
PL1684-VW-109 – Softworks Plan  
PL1684-VW-112 – Themoplastic Markings  
PL1684-VW-113 – Lighting Strategy  
PL1684-VW-114 – Drainage Strategy  
PL1684-VW-115 – Phase I Masterplan  
PI1684-VW-121 – Car Park Throughout Construction Period

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

Drainage

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

*Reason - In the interest of satisfactory and sustainable drainage.*

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

*Reason - To ensure that the development can be properly drained.*

## Archaeology

05. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
- c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

*Reason - To ensure that any archaeological interest is appropriately assessed and documented prior to any other works commencing which may affect the interest in accordance with policy CS19 of the Core Strategy and the wider NPPF.*

## Highways / Cycle

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

*Reason – In the interests of highway safety.*

07. Prior to the commencement of any other development the existing access points (entry and exit) to the Holywell Cross Car Park shall be amended (in accordance with a scheme to first be agreed in writing by the Local Planning Authority) to facilitate the creation of a separate construction access point and public car park access point off the existing highway network. The amended access points shall only be permitted to operate throughout the construction phase of development in consultation with the Local Planning Authority / Local Highways Authority who reserve the right to require the public car access point (entry and exit) to be closed in the event its operation raises serious highway safety concerns, unless an alternative scheme is agreed and implemented under the provisions of this condition.

*Reason – In the interests of highway safety.*

08. Within 3 months of commencement of development a scheme detailing the reinstatement of the Holywell Cross Car Park access points back to dedicated entry and exits only post construction shall be submitted to and agreed in writing by the Local Planning Authority. Only those details agreed in

writing shall be implemented prior to the occupation of the development.

*Reason – In the interests of highway safety.*

09. In addition to the secure cycle parking facilities detailed on drawing no. 16-338\_PL\_12A – Proposed Substation & Cycle Store Details; and 16-338\_PL\_20 – Substation & Cycle Store Proposed Visualisations which shall be provided for the purposes of the users of the development hereby approved, the premises, the subject of the application, shall not be taken into use until at least 3 no. ‘Sheffield’ type parking stands have been provided within the application site spaced at least 1.2m apart, with the cycle stands being maintained throughout the life of the development free from any impediment to its designated use.

*Reason – In accordance with Policy CS20 of the Core Strategy and to promote sustainable travel in the Borough.*

#### Ecology / Trees

10. Prior to building works commencing above foundation level, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2018. Such approved measures should be implemented in full and maintained thereafter. Measures shall include:
- details of integrated swift boxes will be clearly shown on a plan (positions/specification/numbers).
  - details of integrated bat boxes will be clearly shown on a plan (positions/specification/numbers).
  - summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

*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 completion of the development hereby approved, details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the

Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion of the development, whichever is the sooner. Details shall include:

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

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

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

### Others

12. 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.*

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

*Reason – In the interests of residential amenity.*

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

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

15. Within 3 months of commencement of development the applicant shall submit a 'Percent For Art' scheme which details the commissioning and provision of public art to a value of £47,000 alone; or as a contribution of £47,000 pooled. Only the approved piece of public art shall be installed in accordance with the approved scheme and an approved timescale agreed in writing by the Local Planning Authority. The approved artwork installed shall be retained in situ as such for the life of the development associated therewith.

*Reason - In the interest of amenity and to accord with the provisions of policy CS18 of the Core Strategy.*

## **Notes**

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the

original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.

02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management at Derbyshire County Council - telephone 01629 538686.
04. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
05. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
06. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three months

notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.

07. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.