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File No: CHE/20/00054/OUT
Plot No: 2/1165

ITEM 1

OUTLINE APPLICATION FOR ERECTION OF B1 OFFICES WITH CAR PARK OF APPROXIMATELY 41 SPACES AT CHESTERFIELD HOTEL, MALKIN STREET, CHESTERFIELD, DERBYSHIRE, S41 7UA

Local Plan: Unallocated / (eLP – SS7)
Ward: St Leonards

1.0 CONSULTATIONS

Local Highways Authority (DCC)	Comments received 25/02/2020 – see report
Strategic Planning Team	Comments received 21/02/2020 – see report
Environmental Services	Comments received 03/02/2020 – no objections
Design Services	Comments received 13/02/2020 – see report
Economic Development	No comments received
Coal Authority	Comments received 11/02/2020 and 20/02/2020 – see report
Yorkshire Water Services	No comments received
Derbyshire Constabulary	Comments received 13/02/2020 – see report
C/Field Cycle Campaign	No comments received
Historic England	Comments received 04/02/2020 – see report
Chesterfield Civic Society	Comments received 22/02/2020 – see report
DCC Archaeology	Comments received 24/02/2020 – see report
Conservation Officer	Comments received 13/02/2020 – see report
Ward Members	No comments received
Site Notice / Neighbours	No representations received

2.0 THE SITE

- 2.1 The application concerns the site of the Chesterfield Hotel, which is currently a vacant detached property which is located on Malkin Street in Chesterfield adjacent to the Chesterfield Railway Station. The property sits in a prominent and elevated position which is visible above the A61 carriageway. The site also includes areas of surface car parking to the both the north west and south of the built footprint.
- 2.2 The building is set over three / four storeys and varies in age with several additions / extensions evident from the varying architecture of the building. It is however predominantly red brick in construction with a slate hipped roofscape. The building has been empty since it closed in 2015 and the majority of all GF windows / doors are boarded.
- 2.3 The hotel building already has consent to be demolished. Prior approval was granted by the Local Planning Authority for its demolition under application ref. CHE/19/00698/DEM in December 2019.

3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/19/00698/DEM - Demolition of Former Chesterfield Hotel. Prior approval granted 30/12/2019.
- 3.2 CHE/05/00046/ADV - Illuminated signs to the hotel/leisure suite. Approved conditionally 11/03/2015.
- 3.3 CHE/04/00656/FUL - Proposed ramp and steps to front entrance. Approved conditionally 10/09/2004.
- 3.4 CHE/1001/0564 - Replacement canopy to main entrance. Approved conditionally 19/11/2001.
- 3.5 CHE/0790/0520 - Advertisement signs. Approved conditionally 06/09/1990.
- 3.6 CHE/0988/0751 - Permission for additions to hotel to provide bedrooms function suite leisure centre and meeting rooms. Approved conditionally 15/12/1988.
- 3.7 CHE/0687/0400 - Display of illuminated built up perspex letters.

Approved conditionally 13/08/1987.

- 3.8 CHE/1286/0735 - Permission for new car park on land opposite.
Approved conditionally 26/02/1987.
- 3.9 CHE/0785/0439 - Permission for lighting along car park.
Approved conditionally 23/09/1985.
- 3.10 CHE/0685/0353 - Display of erection of flagpoles and flags on a site at rear of car park area.
Approved conditionally 01/07/1985.
- 3.11 CHE/0784/0444 - Display of an illuminated double sided projecting sign on a site.
Approved conditionally 29/10/1984.
- 3.12 CHE/0684/0343 - Display of 2 illuminated neon signs and 2 flagpoles.
Approved conditionally 02/08/1984.

4.0 **THE PROPOSAL**

- 4.1 This is an application submitted in outline, for the proposed erection of a B1 Office building with car park. All matters are reserved for later approval.
- 4.2 The application submission is accompanied by the following plans / documents:
- Site Location Plan – 190559-WCA-00-00-DR-A-PL000-P01
 - Existing Site Plan – 190559-WCA-00-00-DR-A-PL100-P01
 - Proposed Site Plan – 190559-WCA-00-00-DR-A-PL101-P01
 - Supporting Documentation (Rev A)
 - Archaeological Desk Based Assessment
 - Coal Mining Risk Assessment

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

- 5.1.1 The site is situated within the built settlement of St Leonards ward in an area predominantly commercial in nature. Under the provisions of the current Local Plan (Core Strategy 2013) the site is unallocated; however in the emerging Local Plan (2018 – 2035)

the site lies with strategic allocation SS7 (Chesterfield Railway Station).

5.1.2 Having regard to the nature of the application proposals policies CS1, CS2, CS3, CS4, CS6, CS9, CS13, CS18, CS19, CS20 and CS21 of the 2013 Core Strategy and the wider National Planning Policy Framework (NPPF) apply.

5.1.3 In addition policies LP1, LP2, LP7, LP12, LP17, LP21, LP22, LP23, LP24 and SS7 of the 2018 Submission Local Plan also carry some weight.

5.2 **Principle of Development**

5.2.1 The current development plan for Chesterfield Borough consists of the Local Plan Core Strategy (2013) and the saved policies of the Replacement Chesterfield Borough Local Plan (2006). However, there is also the emerging Local Plan (2018 to 2035) – this is currently being examined and was the subject of hearing sessions in October/November 2019. The Inspectors' initial response has indicated a number of modifications that are currently being prepared for consultation. Weight should be given to the emerging policies in accordance with the criteria of para 48 of the NPPF. Where this is relevant to the determination of this application it is highlighted below.

5.2.2 The application site is not allocated for a specific use in the adopted Local Plan Core Strategy or the RCBLP. However it does form part of the emerging Local Plan Strategic Site covered by Policy SS7 ('Chesterfield Railway Station). The emerging Local Plan is currently under examination and consultation on modifications is expected to start shortly.

5.2.3 In determining how much weight should be accorded emerging policies paragraph 48 considers three factors:

- a) the stage of preparation of the emerging plan – this plan has now reached an advanced stage (consultation on modifications)
- b) the extent to which there are unresolved objections to relevant policies – this policy is the subject of three objections, two of which relate to matters of detail (additional wording on archaeology, signage, and a landowner seeking inclusion of their site). None of these touch on the principle of the allocation or the proposed uses;

- c) the degree of consistency of the relevant policies in the emerging plan to the NPPF – the policy is considered to be consistent with the NPPF and no indication was given in the Local Plan Hearings to suggest otherwise.

On this basis significant weight should be given to the emerging policy in determining this application.

Location of Development and Accessibility

- 5.2.4 The Council's adopted spatial strategy seeks to concentrate new development within walking and cycling distance of centres. This site would be considered 'edge of centre' in sequential terms (see consideration of the sequential test, below) and benefits from proximity to Chesterfield Town Centre.
- 5.2.5 The site and proposed development therefore also meet all the criteria a) to g) set out in policy CS2 (see commentary below regarding the sequential assessment – relevant to CS2(g)).
- 5.2.6 Policy CS20 also seeks to 'maximise walking, cycling and the use of public transport through the location and design of development' and expects development proposals to prioritise pedestrians and cyclists to and within the site, and to protect and/or improve the strategic walking and cycling network and public transport facilities. This is in line with the objectives set out in para 102 of the NPPF, which requires that "c) opportunities to promote walking, cycling and public transport use are identified and pursued" and para 103 which requires the planning system to "actively manage patterns of growth in support of these objectives", and that "significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes".
- 5.2.7 As already set out, the site is already within easy walking distance of Chesterfield Town Centre via a choice of well-used, paved and lit routes. There are bus stops within a short walk served by regular services (Stagecoach services 54, 74 and 77) and Chesterfield Railway Station is almost adjacent to the site. Cycle access to the site is at present limited, although there is scope to improve this through redevelopment of the site and wider efforts to develop a masterplan for the station area. As this application is in outline only, it is expected that this matter would be addressed through reserved matters although a condition requiring a scheme of cycle parking and improvements can be imposed to require this

infrastructure to be demonstrated as part of any reserved matters submission if outline consent is to be granted.

Sequential Test

5.2.8 The NPPF identifies offices as a Main Town Centre Use. The site is not within a defined Town Centre. For the purposes of considering office uses, the NPPF considers offices to be in 'edge of centre' locations if they are within 300m of, and well connected to, a town centre boundary, or within 500m of a 'public transport interchange' (this term is not defined but it would be reasonable to assume in a Chesterfield context that this could include the railway station and locations where a number of bus services interact). The site comfortably meets both these criteria and so should be considered 'edge of centre'.

5.2.9 Paragraph 86 requires that local planning authorities apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Failure to satisfy the sequential test can itself be a reason for refusal. Although it does benefit from an emerging Local Plan allocation including office use, as this plan has not yet been adopted, the applicant has submitted a sequential test. As the application form indicates a floorspace of only 820 sqm this has been used as the basis of the test. This footprint is clearly related to the footprint of the building shown in the illustrative material and the site is clearly capable of, and arguably should, accommodate a more substantial building, and this is clearly the eventual intent. Nevertheless, the sequential test that has been carried out is related to the application. The extent of area tested for alternatives is appropriate, as are the parameters applied in considering alternative sites (these were agreed with the applicant prior to submission). The conclusion set out in the test is accepted, with the exception of Basin Square at Waterside, where the reason given for the rejection based on the response of a single, very specific end office user; however, as construction of the Basin Square building is due to commence in 2020 based on evidence of pre-lets, it would not be available.

Conclusions

5.2.10 In summary, the proposed development would accord with the objectives of the Spatial Strategy as set out in policies CS1 and CS2 and the objectives of CS20 to maximise transport choices. It

would support the policies of the emerging Local Plan. The requirements of the sequential test have also been met.

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

5.3.1 The application site lies on the edge of the town centre, in an urban area which is likely to be the subject of significant change through the development proposals taking place at Chesterfield Waterside and the forthcoming HS2 masterplan.

5.3.2 As an outline application with all matters reserved design and appearance considerations are limited at this stage, but it is accepted that the principle of development on the site for a B1 office use is acceptable.

5.3.3 As submitted the scheme proposes a floorspace of 820sqm which is indicated to take the form of a single storey building in layout terms however this floorspace could form a smaller footprint building over 3 storeys. This would be in line with the scale and massing of the current Chesterfield Hotel building, so is also considered to be acceptable and represents a no worse situation in respect of views of the grade 1 Crooked Spire. However it clear at this stage that the information on storey heights is indicative and not critical to the outcome of the outline application.

5.3.4 Whilst there are no immediate neighbouring properties to the site, a development of a similar scale and mass to the current building will therefore encounter a similar relationship with the development proposals having regard to overlooking, overshadowing and overbearing impacts. This would be considered acceptable in principle, but further consideration would be made at the reserved matters stage should outline permission be granted.

5.3.5 Having regard to architecture the scheme would need to respond and reflect appropriately to local vernacular. Whilst this would not discount a contemporary approach, the materials and finish of the final scheme will need to be carefully considered.

5.3.6 Overall it is considered that the principle of the development proposals can secure an appropriate design response that has the opportunity to reflect the local area and the architecture / vernacular significant to Chesterfield and its town centre. In the

context of policies CS2, CS18 and CS19 of the Core Strategy and considerations of design and appearance, the principle of development is acceptable.

5.4 **Highways Issues**

- 5.4.1 Having regard to the nature of the application proposals, this is an outline application with all matters reserved (including access). Consideration of the development proposals is therefore limited to the principle of development and its potential hypothetical highway impacts.
- 5.4.2 The Local Highways Authority (LHA) has been invited to review the application submission and whilst there is an indicative layout submitted with the application submission, this has not been reviewed by the LHA for its suitability or layout.
- 5.4.3 It is noted that the indicative layout suggests use of the existing access serving the site and therefore any accesses made redundant by the development will need to be formally closed in agreement with the LHA. The LHA has highlighted that there are proposals for a Hollis Lane Link as well as HS2, and therefore these proposals should be taken into consideration when considering any subsequent reserved matters or full application. The LHA has also advised that adequate manoeuvring to enable the largest vehicles likely to visit the site to enter and exit in a forward gear will also need to be secured as well as adequate off-street parking.
- 5.4.4 Having regard to the above, the matters raised by the LHA above will all be considered alongside the reserved matters application, should outline planning permission be granted. The principle of the site being redeveloped for B1 office use is however considered to be acceptable in highway terms and it is considered that the site will be able to achieve an appropriate site access and parking provision. Given the sites town centre location however it will also be necessary to ensure that any such development proposals secure alternative sustainable travel options (such as providing secure cycle parking) and also electric vehicle charging points in accordance in policy CS20 of the Core Strategy.

5.5 **Land Condition**

5.5.1 Having regard to the provisions of policy CS8 of the Core Strategy the application is supported by a Coal Mining Risk Assessment (CMRA) as required by the **Coal Authority** (initial comments 11/02/2020).

5.5.2 The Coal Authority was subsequently invited to review the CMRA and the following comments were provided:

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

- 1. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.*
- 2. Where the findings of the intrusive site investigations (required by condition 1 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.*

5.5.3 Having regard to the commentary provided above, the CA advice is noted. It is considered that in order to address any outstanding matters in respect of potential coal mining legacy appropriate planning conditions can be imposed as per the CA request if

permission is to be granted. Given the nature of coal mining legacy impacts such conditions will be required to be satisfied as Grampian conditions, prior to any development commencing. This will secure compliance with policy CS9 of the Core Strategy and wider NPPF.

5.6 **Flood Risk / Drainage**

5.6.1 Having regard to the provisions of policy CS7 of the Core Strategy the application submission indicates that the development proposals will be connected to mains sewer. The site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps.

5.6.2 In connection with the above, the application submission has been reviewed by the Council's **Design Services (DS)** team who has confirmed that they *'would like to see details of how the developer intends to dispose of surface water from the site. This site should be developed with separate systems of drainage'*.

5.6.3 The DS team has also advised, *'With the site being redevelopment of an existing brownfield site, the surface water runoff should be reduced in line with DEFRA standards. If the existing drainage system is to be used, Building Control approval may be required. Any connections to the public sewerage system network will require prior consent from Yorkshire Water'*.

5.6.4 Given that the application is only being considered in outline at this stage, the final details of drainage are yet to be determined. Notwithstanding this, given the sites former use there is likely to be drainage infrastructure available for any new development proposals to connect to. The details of any proposed drainage strategy can be secured through the imposition of a planning condition, if permission is to be granted. Any such condition would be required to a Grampian condition, with the details agreed prior to any development commencing.

5.7 **Ecology / Biodiversity**

5.7.1 Having regard to the provisions of policy CS9 of the Core Strategy the site is located in a urban area and given the sites current characteristics there are limited attributes to support ecology / biodiversity at present. The current building may support limited

nesting opportunities and there is a mature tree and a row of evergreen trees located in the car park to the north west of the building (which are not covered by any statutory protection).

- 5.7.2 Under the provisions of policy CS9 of the Core Strategy new development is expected to secure a 'net gain' in biodiversity and therefore alongside the sites redevelopment it is expected that ecological enhancement measures will be incorporated into the building fabric as well as through soft landscaping proposals. Such measures can replace nesting opportunities and provide appropriate landscape species to encourage pollinators and foraging (berries etc).
- 5.7.3 Appearance and Landscaping are reserved matters which will be considered at a later date, should outline planning permission be granted. Accordingly the details of any ecological enhancements and soft landscaping can be secured through the imposition of a planning condition to ensure compliance with policies CS9 of the Core Strategy.

5.8 **Heritage / Archaeology**

- 5.8.1 The property the subject of the application is not a statutory listed building, nor is it one to have been nominated to appear on the local list of heritage assets. The site also does not lie in a conservation area; however it is located just on the outside of the Chesterfield Town Centre Conservation Area boundary.
- 5.8.2 Notwithstanding the above, development which might replace the current Chesterfield Hotel building is likely to be seen from within the conservation area and could have an impact upon the setting of numerous listed buildings which are located within the conservation area (inc. the Church of St Mary and All Saints). On this basis and under the provisions of policy CS19 of the Core Strategy and the wider NPPF the potential impact of the development proposals upon surrounding heritage assets is a material consideration.
- 5.8.3 Having regard to the above, Historic England (HE), the Council's Conservation Officer (CO), DCC Archaeology (DCC Arch) and the Chesterfield Civic Society (CCS) were all consulted on the application submission. The following comments were received:

Historic England - On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Conservation Officer - Notwithstanding my comments on the application to demolish the former Chesterfield Hotel, I do not object to the principle for a replacement building on the site. I note the following observations

- It is my opinion that Phase I will no further impact the views to the Church of St Mary and All Saints, (colloquially referred to as The Crooked Spire), than the existing building.*
- I note that p.36 of the Supporting Documents (Rev A), the indicative building is a Phase I: two storey, and Phase II: six storeys. I note description in the document regarding the A61 and limitations of the slip road, and the subsequent p.37 illustrates Phase I: three storey, and Phase II: six storey. I draw attention to the positive framing of the Spire on the original p.36 Masterplan illustration where there is a height variance of four storeys, and a lower Phase I building. The arrangement on p.36 (two storey: six storey) would be my preference to frame the Spire.*
- I note the suggested material palette and examples of similar scale contemporary office blocks within the Supporting Documents paper. The illustrations of the proposed building do not include material suggestions, but note suggested materials are listed within the document. I assume no clear design concept within the proposal, but scale and massing only. I would not wish to see any pastiche design. However, this is a key entrance to the Town Centre Conservation Area, and therefore detailing and material choice will be paramount to complete a high quality landmark building.*

DCC Archaeology - The application details include an archaeological desk-based assessment which provides a useful overview of the development of the site through time. The report demonstrates that the archaeological potential of the site is low therefore we would not ask for any additional archaeological investigation in relation to the scheme.

The hotel was built in the mid 1870s in association with the railway station, which replaced the original, 1840, station located to the north of the existing site. The hotel then has some significance in

terms of industrial archaeology, and for this reason we would recommend that the building be recorded in advance of demolition. A Historic England level 1 / 2 survey will be an adequate record in this case. The information which has been produced in the desk-based assessment can form the basis of this recording intervention.

To facilitate this requirement please attach the following condition to any grant of planning permission for this scheme:

a) No development, including demolition, shall take place until a Written Scheme of Investigation for historic building recording has been submitted to and approved by the local planning authority in writing, until all on-site elements of the approved scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured. The Written Scheme of Investigation shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording

2. The programme and provision for post-investigation analysis and reporting

3. Provision to be made for publication and dissemination of the analysis and records of the site investigation

4. Provision to be made for archive deposition of the analysis and records of the site investigation

5. 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 Written Scheme of Investigation for historic building recording 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 Written Scheme of Investigation for historic building recording approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

The above recommendations are in line with the requirements of para 199 of NPPF which requires developers to make provision for

the recording of heritage assets which are to be impacted by their proposals.

Chesterfield Civic Society - We are happy with a three-storey development of about the height of the existing building, but consider that a six-storey building would be overpowering set against other buildings on Corporation Street and might (despite attempts by the architects to demonstrate otherwise) impede the view of the parish church from the station, which should be the first thing visitors arriving there see.

We are not convinced that an office development is the best use of the site. We believe that there is an arguable case (set out in full on the Civic Society's website) for a hotel/restaurant catering for visitors to the nearby theatres and users of the station, as well as general trade. We feel that offices could go elsewhere, whereas a hotel/restaurant aimed at rail travellers could really only go on the Chesterfield Hotel site.

Another possibility which might be worth considering is to develop the site as student accommodation for the nearby Chesterfield campus of the University of Derby.

We are also doubtful as to whether enough parking has been included in the scheme, especially if a six-storey second phase was to be built.

We are not clear why the Borough Council is associated with this application, since it does not own the site. We hope that the Council has made suitably searching enquiries as to the financial standing of its co-applicant before committing public funds to this project. From the limited evidence available on the Companies House Register, the owner of the site appears to be a non-trading shell company run from a modest private house, with no obvious source of funds with which to redevelop the site.

Finally, we can only express regret that it seems to be impossible for planning applicants to avoid spending money (especially as in this case it was presumably taxpayers' money) on an 'archaeological assessment' that takes 41 pages to say what could have been said in two sentences, and even then fails to make use of the most recent academic publication on the history and topography of the town centre:

'The Station Hotel, like all such buildings, has deep cellars which will have destroyed any buried evidence for the earlier history of the site. There is in any case no historical evidence for earlier occupation of the site, which was farmland until the 1870s.'

Nor is there any historical evidence for coal mining on the site.

- 5.8.4 Having regard to the commentary provided above, the comments of Historic England and the Council's Conservation Officer are noted. Given that this application is submitted in outline with all matters reserved, any considerations in respect of appearance and scale will all be considered at a later stage (inc. the appropriateness of scale/massing/position of building and the finish / external materials of any such building).
- 5.8.5 The comments from DCC Archaeology are also noted, however the demolition of the building has already been permitted through the prior approval process and therefore the condition which they have requested to be imposed (requiring the historic building record) cannot reasonably be imposed on this current application.
- 5.8.6 The final comments made by the Civic Society raise a number of points which are not material planning considerations. It is noted that they make several suggested alternative development proposals which in their view are more suited to the site, however the Local Planning Authority is required to consider the merits of the application as submitted. It is noted that questions over the relationship of applicants is queried, however the identity of the applicant (even if it is the Council and another) is immaterial to the planning issues which are required to be considered. It is noted that the Civic Society are also critical of the studies which accompany the application, however these have been accepted as reaching appropriate conclusions by DCC Archaeology (with whom the Local Planning Authority have a service level agreement to provide them with specialist / professional archaeological advice). The Civic Society are further critical of there being no historical evidence of coal mining on site, however the Coal Authority (who are a statutory consultee and expert in the field) have provided the Local Planning Authority with appropriate advice on coal mining legacy matters potentially affecting the site (see section 5.7 above). Greater weight is therefore afforded to the advice provided by DCC Archaeology and the Coal Authority in respect of these matters.

5.8.7 Taking into consideration all of the advice which has been provided in respect of heritage / archaeology it is considered that the application submitted has due regard to the potential impact of the development upon the setting of nearby heritage assets. As an outline application it is considered that an appropriate form of development can be accommodated on the site, for up to 820sqm of B1 office floorspace without adversely harming the setting of nearby heritage assets. Due consideration to the scale and appearance of the development, which will be critical in assimilating the development into its surroundings will be given at the reserved matters stage, should outline permission be granted. Overall however it is considered that the principle of the development is acceptable having regard to heritage / archaeological matters.

5.9 **Other Considerations**

5.9.1 The application submitted sets the proposed B1 floorspace at 820sqm (Q8. application form) and this is the floorspace threshold which has been sequentially tested as part of the application submission (see section 5.2 above). It is noted however that as part of the supplementary documentation images are presented showing a development phase one (three storey block); and then phase two option A (a three storey extension to the phase one block) and phase two option B (a six storey extension to the phase one block).

5.9.2 The purpose of the illustrations in the supplementary documentation are to show how the site could develop in line with a wider HS2 masterplan; however outline planning permission cannot be granted for a phased development as shown. Given that 820sqm is the threshold of floorspace which has been tested in the supporting documentation of the application considered, this will need to be set as a maximum permitted floorspace under the provisions of any outline permission granted.

5.9.3 It is noted that in the comments of the Strategic Planning team consultation response they advise that local labour and percent for art clauses should also be conditions of any planning permission granted. Policy CS13 of the Core Strategy requires that local labour agreements are negotiated for any major development proposals. Albeit that the development floorspace does not

categorise the scheme as a 'major' planning application, the significance of the development and its connections with localised regeneration schemes (Waterside / HS2) are such that local labour should be pursued on a best endeavours basis. Percent for art is also triggered as a requirement on all developments costing in excess of £1m. At this outline stage the development costing is yet to be determined, so it cannot be determined is a percent for art contribution should be secured. This should be deferred to the consideration of reserved matters, should outline permission be granted.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 06/02/2020; by advertisement placed in the local press on 06/02/2020; and by neighbour notification letters sent on 31/01/2020.

6.2 As a result of the applications publicity there have been no letters of representation received.

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 Civic Society, the development affects heritage matters, 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 application site lies on the edge of the Chesterfield Town Centre, which enables it to be well served by alternative means of transport and therefore is regarded as a sustainable location having regard to the provisions of policies CS1 and CS2 of the Chesterfield Local Plan: Core Strategy 2011 – 2031. The proposed redevelopment of the site for a B1 Office use has been sequentially tested and is considered to be acceptable.

9.2 The development is served by the existing highway network and any reserved matters submissions will be required to demonstrate further compliance with policies CS7, CS8, CS9, CS18, CS19 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 in respect of amenity, neighbouring impacts and highway safety.

9.3 Where it is appropriate planning conditions have been imposed to address technical matters arising from the considerations of this application (as detailed in this report).

10.0 **RECOMMENDATION**

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

Time Limit etc

01. Approval of the details of the access, layout, scale, external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason - The condition is imposed in accordance with article 5 (1) of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.

03. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason - The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.

Drainage

04. 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.

05. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason - To ensure that the development is appropriately drained and no surface water discharges take place until proper provision has been made for its disposal.

Land Condition

06. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

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

07. Where the findings of the intrusive site investigations (required by condition 6 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

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

Electric Vehicle Charging Points

08. Electric Vehicle charging points (EVCPs) shall be provided in accordance with the approved site layout for at least 10 percent of the car parking spaces on the site. The Charging points shall be available for use concurrent with the first use of the office building hereby approved. Thereafter the EVCPs shall be retained and maintained operational for the lifetime of the development.

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

Cycle Parking

09. The development hereby approved shall include provision for cycle parking at the rate of 10% of the number of car parking spaces and full details shall be submitted to local planning authority for consideration as part of the reserved matters submission. The details agreed in writing shall be implemented on site and shall be available concurrent with the use of the new office building and shall be retained as such thereafter.

Reason – to provide alteration modes of transport

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. This permission is granted on the basis of an assessment up to a maximum 820sqm of B1 floorspace. Notwithstanding the illustrations shown in the Supplementary Documentation Rev A accompanying the application, reserved matters application will only be accepted for development within this threshold. Schemes in excess of 820sqm will need to be the subject of a further full planning application.