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File No: CHE/20/00078/FUL
Plot No: 2/749

ITEM 1

DEMOLITION OF EXISTING PUBLIC HOUSE AND RESIDENTIAL DEVELOPMENT OF 12 TWO-BEDROOM DORMER BUNGALOWS AT THE TRUMPETER INN, HAREHILL ROAD, GRANGEWOOD, CHESTERFIELD, DERBYSHIRE FOR ERICA DEVELOPMENTS LTD

Local Plan: Unallocated
Ward: Rother

1.0 CONSULTATIONS

DCC Highways	Comments received 20/04/2020 – see report
CBC Planning Policy	Comments received 16/03/2020 – see report
Coal Authority	Comments received 05/03/2020 – see report
Crime Prevention Design Advisor	Comments received 07/03/2020 – no objections
C/Field Cycle Campaign	No comments received
DCC Archaeology	Comments received 03/03/2020 – no objections
DCC Planning Policy	Comments received 12/03/2020 – see report
Design Services (Drainage)	Comments received 03/03/2020 – see report
Derbyshire Wildlife Trust	Comments received 09/03/2020 – see report
CBC Economic Development Team	No comments received
CBC Environmental Health Officer	Comments received 13/02/2020 – see report
Lead Local Flood Authority	Comments received 06/04/2020 – see report
CBC Tree Officer	Comments received 12/03/2020 – see report
CBC Urban Design Officer	Comments received 08/06/2020 – see report
Yorkshire Water Services	Comments received 05/03/2020 – see report
Ward Members	No comments received
Site Notice / Neighbours	Three representations received

2.0 THE SITE

- 2.1 The site the subject of the application is known locally as The Trumpeter PH, which is a detached premises located off Harehill Road in Grangewood.



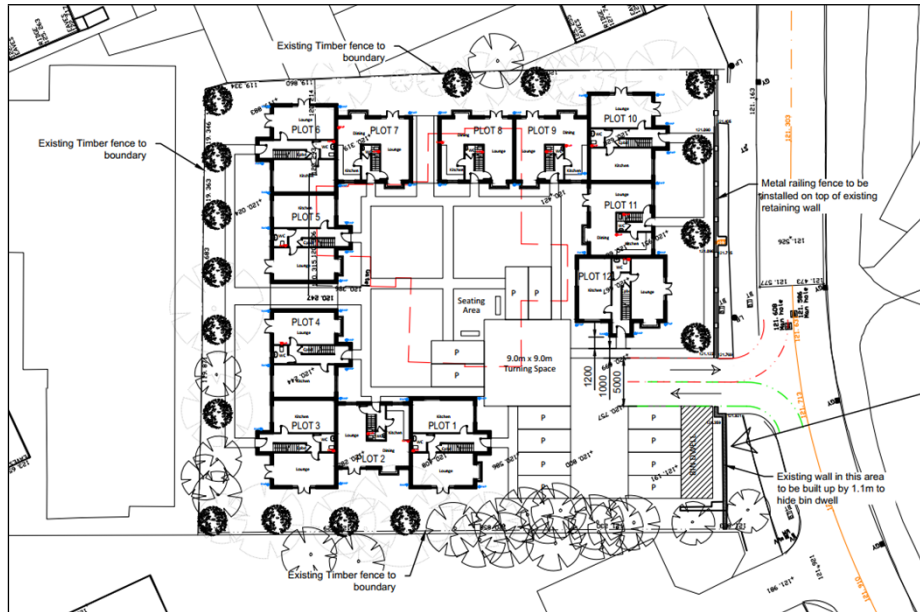
- 2.2 The area surrounding the site is residential with semi-detached housing to the south, Harehill Court (flats for the elderly) to the North and Royal Primary Care Grangewood and Cohen's Chemist to the East.
- 2.3 Access to the site is gained from Harehill Road via a primary access point located to the north western corner of the site which leads into the PH car park. There is also a secondary access located in the south western corner.
- 2.4 The site slopes gradually from the road to the south west rising by some 0.75m. There are mature trees located on all boundaries except the Harehill Road frontage.

3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/15/00256/FUL - New mixed use scheme to create local centre (including A1 - Retail, A2 - Financial & professional services, A3 - Food & drink, A4 - Drinking establishments, A5 - Hot food takeaway, C3 - Dwellings and Sui Generis - Other) to replace existing public house. Approved conditionally 14/07/2015.
- 3.2 CHE/1084/0615 - Permission for car park and landscape scheme. Approved conditionally 29/11/1984.

4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks full planning permission for the demolition of the existing premises and the erection of a development comprising 12 no. 2 bed dormer bungalows.
- 4.2 The development takes the form of a mews development that will be one and a half storey in scale and will be laid out in a horseshoe arrangement that will share a central communal garden.



4.3

A communal car parking area will be created to the north west of the site adjacent to the current access point, which will be modified. Overall there will be 12 no. off street parking spaces.

4.4 The application submission is accompanied by the following documents / plans (superseded plans have been struck through):

- Site Location Plan
 - ~~19-755-01 - Site Plan~~
 - ~~19-755-02 - Ground Floor Plan~~
 - ~~19-755-03 - First Floor Plan~~
 - 19-755-04 – Elevations
 - TPG01 - Tree Survey
 - TPG02 - Tree Constraints
 - TPG03 - Tree Protection Plan
 - TPG04 - Landscape Masterplan
 - 2292 01 P1 – Visibility Splay
 - 2292 02 P1 – Existing Drainage Plan
 - 2292 03 P2 – Proposed Drainage Plan
 - 2292 04 P1 – Proposed Drainage Area
 - 2292 05 P2 – Drainage Details
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- Phase I Desk Study and Coal Mining Risk Assessment
 - Planning Statement
 - Design and Access Statement

Revised Plans Received 22/05/2020

- 19-755-01 D - Site Plan
- 19-755-02 D - Ground Floor Plan
- 19-755-03 C - First Floor Plan

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site is situated within the built settlement of Rother in an area predominantly residential in nature. Having regard to the nature of the application policies CS1, CS2, CS3, CS7, CS8, CS9, CS15, CS17, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

5.2 **Principle of Development**

5.2.1 The site is currently unallocated on the adopted local plan (The Core Strategy 2013 and the RCBLP 2006) but sits adjacent to the Grangewood local centre. The Grangewood Local Centre is identified in Core Strategy Policy CS15 but has already been developed in its entirety for a Health Centre and pharmacy to serve the Grangewood area and the Local Centre currently has no other shops or facilities. There is however the adjacent Trumpeter pub, the site of which is the subject of the current planning application. The 2015 planning permission (CHE/15/00256/FUL) proposed a new mixed-use scheme on the Trumpeter site to create an extended local centre (including A1 - Retail, A2 -

Financial & professional services, A3 Food & drink, A4 Drinking establishments, A5 Hot food takeaway, and C3 Dwellings) to replace the existing public house and resulted in the site being shown as an extended local centre where Policy LP9 of the emerging submission draft Local Plan is relevant. Policy LP9 does allow for residential development at ground floor level “on appropriate redevelopment sites where it would not undermine the vitality of the centre”. The extended retail offer on the site has however been shown to not to be viable through subsequent market testing and, as the previous permission was not implemented, residential use could not undermine the vitality of the centre as it currently exists. The adopted local plan shows the site to be unallocated and a residential scheme is therefore acceptable in principle. Whilst substantial weight can now be given to the emerging local plan (following receipt of the Inspectors’ Report), and on face value the proposal would be at odds with the allocation on the proposed Policies Map and parts of policy LP9, the prospect of the site coming forwards for town centre uses has been demonstrated to be unlikely given the viability issues and therefore it is considered that a residential scheme can be accepted.

- 5.2.2 The owner of the site has confirmed that since the planning was granted in July 2015 the site was the subject of marketing by Fishwicks and other national agents and in Mid 2016 Heron Foods showed initial interest in the site and the large unit as an anchor tenant. During the following 12 months the site plan was changed to accommodate a larger unit on request from Heron Foods from the new proposed development, with agreements in early 2018. During the legal process to lease, Heron Foods were bought out by BM Bargains and in April 2018 reversed their decision on taking the large unit as the anchor tenant, due to other similar new sites underperforming. From May 2018 for a further 12 months numerous retail groups were contacted including Coop, Iceland, Sainsburys, Farm Foods, Costcutter, Spar, Londis, One Stop convenience stores who all came back with a no to the site due to its location commenting that they thought its appeal was fairly limited. Also during this time, the site details were also forwarded on to numerous national agents without any positive feedback, due to location and market conditions for retail. To this date even though planning had been put in for residential, in February 2020, the owner again contacted the groups COOP and Tesco/One Stop who have maintained there position due to location as being not for them.
- 5.2.3 It is apparent that without an Anchor tenant for the site, the site would not be viable and therefore would be in serious danger of failing financially. The whole point of the original scheme was to create a new commercial district centre with supporting businesses and whilst this would provide a valuable facility for the local community it has become clear over the past 5 years that such a plan is unlikely to become a reality. It is also the case that the recent changes in the retail market, in addition to the dramatic rise of online ordering, will have further diminished the chances of an extended centre, working as a retail hub, ever coming to fruition.

- 5.2.2 The proposal falls just outside walking and cycling distance of the Birdholme District Centre but is within walking distance of the GP surgery and pharmacy referred to above. The application site is also within walking distance of bus stops serviced by the no.39 bus route, a frequent service operating between Grangewood and Chesterfield town centre. In overall terms the proposal accords with the Spatial Strategy set out in Policy CS1, which focuses new housing development to centres and regeneration areas, and CS2a. The proposal would utilise existing development space, preserving land of environmental and agricultural value (CS2 b & c). The proposal would provide 12 residential units and make a contribution to the housing requirement set out Policy CS1 of the Local Plan. The development would result in a loss of social infrastructure and as such the principle of development would only be accepted should the proposal accord with the tests set out within policy CS17.
- 5.2.3 Policy CS17 (Loss of Social Infrastructure) states that the loss of social infrastructure can only be accepted if:
a) There is an equivalent facility available in the locality or an equally accessible one is made available prior to the commencement of redevelopment to serve the same need; or
b) It can be demonstrated through a viability assessment that the current use is economically unviable and all reasonable efforts have been made to let or sell the unit for the current use over a 12 month period.
- 5.2.4 There are several alternative facilities within the local area such as the Whitecotes, The Boythorpe and The Blue Stoops public houses which would satisfy criterion a). Information has been provided within the planning statement in respect of criterion b) with regards to ongoing viability issues which have persisted since 2012 and have resulted in a continuing loss-making business with limited opening hours, which undermine the value of the facility as a community asset.
- 5.2.5 Submission Local Plan policy LP11 (which also relates to Social Infrastructure) may now be afforded some weight in decision making as no objections to the policy were received during the Pre-Submission Local Plan Consultation or through the public examination. The tests presented are identical to those referred to above however Policy LP11 requires a consideration of both criteria a and b. Despite the absence of detailed marketing evidence, the weight to be given to emerging policy LP11 combined with the benefits of revitalising the site for a positive use and improving its immediate setting should be taken into account.
- 5.2.6 Taking account of the above, it is considered that the principle of development is considered to be acceptable.

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

- 5.3.1 The existing building on the site is somewhat run down and contributes very little to the streetscene.



5.3.2 The scheme has been the subject of numerous amendments to take account of comments which have been made in relation to design of the scheme.

5.3.3 The Urban Design Officer has commented that the drawings appear to be generally consistent with the proposals discussed at the pre-application stage in respect of a layout of dormer bungalows set around a central quadrangle space. Parking and turning is located on the NW corner and a landscaped perimeter is shown around the site boundaries. He commented that the proposed buildings have an attractive appearance, with steep roof pitches and architectural detail that will make a positive contribution to the appearance of the site and its immediate surroundings. As such, there is no objection on the grounds of urban design to the general layout and appearance of the scheme. Nevertheless, comments were made on a number of detailed aspects of the proposals as below:

Boundary treatments - The site frontage would benefit from the introduction of a site boundary treatment, such as a railing to provide a defensible edge to the street. In addition, secure enclosures should be provided from the corners of Plots 1 and 10 to prevent access to the rear garden edges/site perimeter in the interests of safety and security. As such, details of external site boundary treatments should be required by condition, together their implementation prior to occupation and their subsequent retention.

Plots 6- 10 - The first floor windows and roof lights on the south elevation should be glazed with obscure glass due to their proximity to the boundaries of the adjacent residential properties (N/B – all bedrooms are dual aspect with two windows).

Materials – Details of external materials to be submitted and agreed together with samples if requested.

Landscape Implementation – The proposed landscaping proposals should be required to be implemented on accordance submitted scheme within the first planting season following completion of the development.

Bin Storage – A bin dwell area is situated at the front of the site (NW corner) although it is unclear whether the applicant intends to screen these from view. No details appear to be provided at this stage. However, given the prominent position of the bin storage area, it would be unsightly for the bins to remain on view. As such, a suitably robust and attractive bin enclosure detail should be provided. It is recommended that the applicant provides a detail at this stage, or this could be subject of a condition, together with its implementation prior to first occupation.

5.3.4 The applicant has amended the plans as follows:

- 1) Units 10 - 12 were previously moved 1.2m towards the southern boundary leaving 2.5m (approx.) between unit 10 and the boundary fence.
- 2) Adjusted the construction of the proposed wall between the bin dwell & the road and added the iron railing to the top.
- 3) The vehicular access was previously widened to 5m and the movement of vehicles in and out of the site shown as green (incoming) and red (outgoing) on the site plan. Additional dimensions are now added to these paths
- 4) The path has been updated to allow Pedestrian access directly from the existing path. (Please note due to the change of level this will be ramped)
- 5) Velux's have been removed on the First floor (plan 19-755-03C)
- 6) Individual bin & recycling stores have been added.

5.3.5 It is considered that the scheme as amended is acceptable and subject to conditions can be agreed.

5.3.6 In so far as the impact on the amenity of neighbours it is the case that the scheme provides an acceptable relationship with the dwellings to the south on Fairford Close and the care home at Harehill Court to the north. The scheme extends the line of the side gable of 42 Harehill Road (shown in the photograph below) across the site frontage and provides appropriate separation distances to other property facing the site at 1-6 Fairford Close. Furthermore, the site is to the north of these dwellings and there will not be any issues of overshadowing. The site boundaries are also mature landscaped edges to the site and this is likely to be the reason why none of the neighbours adjacent to the site have raised any concerns with the development. It is considered that the scheme is acceptable as proposed in so far as policy CS2 is concerned.



5.4 Highways Issues

5.4.1 The application site is currently served by 2 no. access points taken from Harehill Road, which as part of the development proposals will be amended to serve the new development. The primary access point will be widened to serve the communal parking areas (there will be a total of 12 no. parking spaces) and a 9m x 9m turning area will be dedicated in the site layout for turning. The secondary access point will be closed.

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

The submitted details propose demolition of the existing Public House and redevelopment of the site with 12no. 2 bedroom bungalows, all vehicular access being taken via the existing northern access to the site.

Given the existing use of the site, it's considered that the development proposals would be unlikely to cause severe harm to operation of the public highway.

The site access and shared driveway should be of 5.0m minimum width with a 2.0m width segregated pedestrian footway adjacent to it on at least 1 side. It's recommended that a further 0.5m margin is provided on the opposite side of the driveway to achieve the recommended minimum overall corridor width of 7.5m to serve a development of the scale proposed.

The Site Plan submitted to this office indicates introduction of gates across the existing northern access to the site set approximately 5m behind the nearside carriageway channel. Bearing in mind the proposed scale of development, the Highway Authority would recommend that there are no gates/ barriers to obstruct access at all times to the area annotated as 'Turning Space'. If gates are to be permitted, these should be located a minimum of 10m beyond the rear of footway in order to reduce the likelihood of the highway being obstructed by stationary vehicles whilst opening/ closing is carried out.

The existing southern access to the site will be made redundant by the proposals and, as such, will need to be formally closed by removal of the tactile paving and introduction of a kerb and footway at the appropriate level.

Taking into consideration the perceived occupancy of the proposed dwellings, has creation of a direct pedestrian link with the adjacent Medical Centre/ Pharmacy been explored? There does not appear to be any reference to a link contained within the details forwarded to this Authority and it's suggested that a link would be most beneficial for residents of the development site.

It's noted that off-street parking is proposed to be provided on the basis of 1no. space per 2 bedroom dwelling. It's suggested that this is a very low provision and makes no allowance for visitor parking. However, I trust that you will ensure that the level of off-street parking satisfactorily meets your own

Authority's standards as any under-provision would be likely to result in vehicles being parked within areas dedicated to manoeuvring, thereby leading to awkward/ overlong reversing, or on the fronting highway/ footway in close proximity to a bend in road alignment and a bus stop, situations considered against the best interests of safe and efficient operation of the public highway. In order to meet current recommendations, parking spaces should be of 2.4m x 5.5m minimum dimension (larger where designated for the disabled).

An area for standing of waste bins has been demonstrated adjacent to the site access. It's recommended that the views of the local refuse collection service are sought with respect to suitability for them to collect directly from this area.

Therefore, it's recommended that the applicant is given opportunity to submit revised details to satisfactorily address the above issues. However, if you are minded to determine the proposals as submitted, it's recommended that the following Conditions are included within any Consent:-

- 1. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme demonstrating the proposed access driveway layout, together with a programme for the implementation and completion of the works, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the works have been completed in accordance with the approved details.*
- 2. Space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. The facilities shall be retained free from any impediment to their designated use throughout the entire construction period.*
- 3. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the approved application drawings for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.*
- 4. There shall be no gates or other barriers to prevent access to the designated Turning Area at all times, unless otherwise agreed in writing by the Local Planning Authority.*
- 5. Prior to the occupation of any dwelling, the existing southern vehicular access to Harehill Road shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.*

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

5.4.3 In response to the commentary received above the scheme was amended and a revised set of plans submitted. The scheme is now considered to be acceptable with an appropriate means of access where visibility splays are appropriate. The number of parking spaces at 1 per unit can be accepted as appropriate given the good access the site provides to public transport provision. Appropriate on site turning facilities are also included in the scheme. The owner of the site has confirmed that since the planning was granted in July 2015 the site had been somewhat strangled for the first 12 months to 2016 due to the adjacent medical centres landlords ASSURA and their own issues with leases with the NHS. The intention was to provide a public footpath constructed with the agreement of ASSURA (the landlords for the medical centre) which would have connected the two sites providing a lot more connectivity within the area to the site. Unfortunately, due to issues within the Medical centre and beyond the site owners control, the footpath link was not forthcoming. This restricted and put off some potential anchor tenants for the scheme.

5.4.4 The conditions suggested by the Highway Authority are appropriate and can be imposed on any permission granted.

5.5 **Flood Risk / Drainage**

5.5.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7 of the Core Strategy), it is noted that the application site is located in Flood Risk Zone 1. The site is not at risk of any known surface water flooding. In this context the application is accompanied by detailed drainage plans / proposals.

5.5.2 The application submission has been reviewed by the **Lead Local Flood Authority** (LLFA), the Council's **Design Services** (DS) team and **Yorkshire Water Services** (YWS) who provided the following responses:

LLFA – The LLFA need the applicant to supply further information:

- Basic calculations of the greenfield/brownfield runoff and discharge rates, - The applicant has supplied a reduction to the considered brownfield rates only. The LLFA need to see that greenfield rates are supplied and achieved unless there is clear evidence as to why this could not be done.*
- There should be no surcharging of the proposed below ground drainage network upto the 3.3% and no flooding of the site up to the 1% plus suitable climate change annual rainfall events.*
- A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location – From the 'Proposed Drainage Plan' drawing 2292/03 Rev P2 the cellular storage appears to have been sited under a shared pathway for more than one*

property and the LLFA has concerns as to how this would be safely maintained in this location.

- Calculations should include allowances for the current Environment Agency guidance for climate change and urban creep.*
- Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (as per National Planning Policy Framework 165). – Please detail the full range of sustainable drainage systems considered for this site and reasons for them being proposed or not proposed.*

Please note the following advisory notes in relation to surface water management of the site.

- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 30% Climate Change rainfall volumes will be controlled and accommodated, also incorporating a sensitivity test to 40% Climate Change. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development.*
- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).*

DS - We have no objection to the above application. The site is not shown to be at risk of flooding on the Environment Agency flood maps. The proposed drainage design for the development offers significant reduction of the surface water discharge rate from based upon the existing scenario. The proposed drainage systems is also demonstrated not to allow flooding during a 1 in 100 year + climate change allowance rainfall event. Any discharge to the public sewer may require Yorkshire Water approval.

YWS - If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

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

(In the interest of satisfactory and sustainable drainage)

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

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

(To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage)

1) The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.

As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public surface water sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of physical investigation. On site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.

- 5.5.3 Having regard to the comments made above, whilst the application is accompanied by a detailed drainage design it appears that some further supplementary information is required by both the LLFA and YWS to ensure that the system has been designed to achieve greenfield run off rates. It is considered that these details can be required by the imposition of a pre-commencement condition (as this is how drainage would usually be dealt with in the planning process).
- 5.5.4 Overall however subject to the above it is considered that the requirements of policy CS7 of the Core Strategy and the wider NPPF can be met and the development proposals are acceptable in this regard.

5.6 **Land Condition / Contamination**

- 5.6.1 The site the subject of the application comprises of previously developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy. The application submission is supported by a Coal Mining Risk Assessment and Phase I Desk Top Report.
- 5.6.2 In respect of land condition the **Coal Authority (CA)** were consulted on the application submission and provided the following response:

The Coal Authority concurs with the recommendations of the Phase 1 Desk Study Report & Coal Mining Risk Assessment; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose planning conditions should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

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 the condition 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.*

5.6.3 In addition to the comments of the CA, the Council's **Environmental Health Officer** (EHO) was also consulted on the application and they made the following comments in respect of land condition / contamination:

The supporting information - Land at Trumpeter Inn, Harehill Road, Grangewood Phase 1 Desk Study Report & Coal Mining Risk Assessment (CMRA) – indicates that further work, in the form of a Phase II investigation, and, if required, follow up remedial works, is required for this site. I look forward to assessing this information when it is submitted in respect to this proposed development.

5.6.4 Having regard to the above, it will be necessary to ensure that further intrusive site investigations are undertaken to assess the potential impact of any recorded / unrecorded coal mining legacy and land contamination; and ensure that appropriate remediation is undertaken. A pre-commencement planning condition can be imposed to this effect to ensure that the development accords with the provisions of policy CS8 of the Core Strategy and the wider NPPF.

5.7 **Ecology / Biodiversity**

5.7.1 The application site comprises of previously developed land with mature trees surrounding the site boundary. In the context of policy CS9 of the Core

Strategy, new development is required to deliver a net gain in biodiversity and in this case the demolition of the existing premises is also a material consideration.

5.7.2

The application submission has been reviewed by the Councils **Tree Officer (TO)** and **Derbyshire Wildlife Trust (DWT)** in the context of the above policy framework and the following comments were received:

TO - There are 32 trees on the site and it is proposed that 17 of those are removed to facilitate the development. There are also 6 trees off site that may be affected by the development.

A tree survey, tree constraints plan and tree protection plan by Weddle Landscape Design have been submitted with the application.

There are no objections to the proposed 17 trees being removed as shown on drawing TPG O3 Tree Protection Plan and in mitigation 19 new trees will be planted along with a variety of mix species of shrubs, climbers, bulbs and two hedges as shown on drawing TPG 04 Landscape Masterplan by Weddle Landscape Design. The tree and shrub planting provides a green setting to the frontage and also strengthens the existing vegetation along the boundaries.

The tree protection plan reference TPG O3 shows the type and alignment of the tree protection fencing which is in accordance with BS5837 Trees in Relation to Design, Demolition and Construction.

I therefore have no objection to the application as long as the tree protection measures submitted on drawing TPG O3 Tree Protection Plan with the application are adhered to at all times and attached as a condition if consent is granted to the application and the landscaping scheme, drawing reference TPG 04 Landscape Masterplan by Weddle Landscape Design is also attached.

DWT - In have reviewed the application documents and note that no ecological information has been provided. The site has very little soft landscaping which is comprised of habitats with rather limited biodiversity value, therefore a full ecological appraisal is not required; however, the proposals include demolition of the existing building and therefore present a risk of affecting roosting bats. Planning policy requires the council to fully consider the impacts on European Protected Species such as bats as part of the decision making process when assessing a planning application and therefore I must advise that the application does not include sufficient information at this time.

As a minimum, a survey is required to assess the suitability of the structure for use by roosting bats. This daytime survey can be carried out at any time of year; however, if the results indicate that the site is suitable for bats or evidence of a roost is found then further surveys would be required during the peak bat activity season (May to August inclusive) to provide survey effort

compliant with current good practice guidelines. Presence of nesting birds should also be considered. The surveys should be undertaken by a suitably experienced and licensed bat ecologist, ideally with membership of a relevant professional body such as CIEEM that has recognised professional standards and code of conduct.

These surveys would all be required prior to determining the application. On a more general note, the retention and protection of the existing trees is welcomed. This combined with creation of new soft landscaping around the edge of the site and in the central zone around the seating area, indicates that a net gain for biodiversity should be achievable within the proposed layout. Details of soft landscaping and planting scheme could be addressed either within the main application or by pre-commencement condition, although the Trust recommends that native species or those with recognised benefit to wildlife are used in preference to purely ornamental cultivars.

Consideration should also be given to opportunities for ecological enhancement such as bat and bird boxes on the new structures or retained trees.

- 5.7.3 Having regard to the commentary received above, those of the TO are noted. The application submission includes details of existing and proposed soft landscaping which is sufficiently detailed to enable the TO to assess and conclude that the loss of some trees can be mitigated by an appropriate scheme of replacement planting to achieve a biodiversity balance. As a previously developed site, this would accord with the provisions of policy CS9 of the Core Strategy and wider NPPF principles.
- 5.7.4 Turning to the comments of DWT, the proposed demolition of the existing public house building does require further consideration of potential ecological impact. The building could have potential to house roosting bats and therefore there is a statutory requirement for the Local Planning Authority to consider this and ensure that any potential impact upon this protected species has been properly assessed.
- 5.7.5 As part of the application process, the agent was made aware of the comments made by DWT and they agreed that a preliminary bat survey should be undertaken. They had accepted the need for this survey to be undertaken, as advised by DWT, prior to the determination of this application.
- 5.7.6 Notwithstanding the above however, due to current Covid-19 circumstances the agent has reported difficulty in securing a suitably qualified ecologist who is prepared to travel to the site and undertake a preliminary bat survey at the premises. The window for undertaking a bat survey runs from April – September so the LPA is mindful that if these surveys cannot be undertaken in this window (as DWT has requested), the applications determination will have to be delayed. This potentially goes against current government advice that economic recovery should be facilitated through the granting of planning permissions without delay.

- 5.7.7 In this instance, whilst the LPA would usually insist that bat survey work is undertaken prior to determination, the agent has indicated that they would be agreeable to a pre-commencement condition being imposed which prevented demolition of the building before the survey work is undertaken and any necessary mitigation measures are agreed in writing by the LPA. Mitigation is likely to be agreed in the form of integral bat brick being incorporated in the development proposals, but aside from this, if bats were found to be present the developer would be required to secure a necessary license from Natural England before any works could take place to translocate the bats. It is highly unlikely that the presence of bats would prevent the demolition of the building in the long-term.
- 5.7.8 Having regard therefore to the considerations set out above, on balance, the potential impact of the overall development upon any on site ecological interest can be suitably conditioned to ensure that appropriate survey and necessary mitigation is secured. Subject to this condition it is considered that the requirements of policy CS9 of the Core Strategy would be met and the development acceptable in this regard.

5.8 **Heritage / Archaeology**

- 5.8.1 The premises the subject of the application are likely to date from mid-late 20th century and the surrounding estate of a similar era. The building is not considered to be of any specific architectural merit / quality and there are no designated heritage assets located in the immediate or wider locality.
- 5.8.2 Having regard to the provisions of policy CS19 of the Core Strategy and the wider NPPF the demolition of building and the redevelopment of the site do not give rise to any adverse heritage / archaeological concerns. Furthermore it is noted that **DCC Archaeology** has reviewed the application submission and has no comments to make.

5.9 **Other Considerations**

5.9.1 **Community Infrastructure Levy (CIL)**

Having regard to the nature of the application proposals the development comprises the creation of new dwellings and the development is therefore CIL Liable.

The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability will be calculated (using calculations of gross internal floor space and be index linked). Existing floorspace to be demolished can be offset from the CIL charge if it can be demonstrated that the existing floorspace is “in use” in accordance with the definition on the CIL Regulations.

		A	B	C	D	E
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Proposed Floorspace (GIA in Sqm)	Less Existing (Demolition or change of use) (GIA in Sqm)	Net Area (GIA in Sqm)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
1234	384	850	£50 (medium)	344	288	£50,763.88

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

5.9.2 S106 / Planning Obligations

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.

Internal consultation has therefore taken place with the Councils own **Economic Development Unit**, as well as externally with **North Derbyshire Care Commissioning Group** (CCG) on the development proposals to ascertain what specific contributions should be sought.

The responses have been collaborated and it will be necessary to look to secure by planning condition the requirement for local labour (best endeavours) in accordance with the Economic Development Unit response, which is a standard approach taken to deal with local labour / supply as required by the provisions of policy CS13 for all major development schemes. The CCG has not responded with a need for any contribution so it is the case that no GP / Health Contribution is to be sought in this case.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 13/02/2020; by advertisement placed in the local press on 20/02/2020; and by neighbour notification letters sent on 13/02/2020.

6.2 As a result of the applications publicity there have been three representations received as follows:

49 Baden Powell Road

Stance: Customer made comments in support of the Planning Application
Comment Reasons:

- Policy
- Visual

Comment: It's an awful run down pub. Unpleasant lady been running it and

alienated surrounding community. Really hope for the sake of the community this pub is demolished. Will be a great day for all.

A Local Resident

I agree with the Design & Access Statement and support the redevelopment of this Brownfield land.

I like the appearance of the proposed development and feel it represents a great improvement over the existing run down pub.

I feel the proposed development will also help to reduce the crime / vandalism / antisocial behaviour potential that the pub and its car park could attract.

78 Newbridge Lane

OBJECTIONS TO PLANNING / Looking at the application in detail:

#1.3 The efficient use of land can mean anything. Using land as the hub of a community is efficient in social terms. I will come to the question of viability later.

#5.4 Social infrastructure quite obviously has as its core The Pub is the Hub as a definition.

#5.14 The National Planning Policy Framework (NPPF) has strong words to say about the viability testing of pubs too.

#5.14 a) economic; loss of a pub means loss of employment not just at the pub itself but to its suppliers, local and national.

b) social; the pub is the hub slogan applies to all pubs, even the failing ones like The Trumpeter.

c) environmental; it looks sad and run down, and while the site needs improvement, housing is not the only way.

#6.3 The availability of alternatives; this argument becomes thinner as time and pub closures stage by thin stage gradually reduces the availability.

#6.4 Viability; many are the reasons for alleged unviability.

- High rent: freeholder more interested in balance sheet than profit account.
- Low gross margin due to restriction of supply: inability to buy in the open market from local brewers for example.
- Business rates: government policy since they were nationalised in the 1980s.
- Low turnover due to hostile environment.

All of these can amount to deliberate running down in order to realise the value of the land on which it stands. Losses can therefore be nothing other than creative accounting and are frequently not the tenants fault.

Finally, I ask that this application be judged in the light of tomorrows economic world of the year 2021 not in the light of the economic and social difficulties associated with the CoVid 19 pandemic.

6.3

Officer Response: See comments made in report above regarding the loss of a community facility and policy CS17 and Emerging policy LP11. The report argues that alternative facilities are available within the local area. Furthermore, a redevelopment of the site including a more appropriate sized replacement A4 drinking use received planning permission but did not come forward as a deliverable scheme due to viability issues.

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

7.4 Whilst, in the opinion of the objector, the development results in the loss of a public house, 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, CS10, CS18, CS19 and CS20 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 GRANTED subject to the issuing of a CIL Liability Notice in line with paragraph 5.9 above and subject to the following conditions:

Time Limit

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.

Location Plan

Site Plan 19-755-01D

GF Plan – 19-755-02D

FF Plan – 19-755-03C

Elevations – 19-755-04A

Landscape Masterplan TPG 04

Tree Protection Plan TPG 03

Tree Constraints Plan TPG 02

Tree Survey TPG 01

Visibility Splays 2292/01 P1

Existing Drainage Plan 2292/02 P1

Proposed Drainage Plan 2292/03 P2

Proposed Drainage Areas 2292/05 P1

Drainage Details 2292/06 P2

Design and Access Statement Jan 20

Phase I SI Desk Top Study & Coal Mining Risk Assessment

Coal Mining Report

Supporting Planning Statement

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

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

Land Condition

05. 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 ensure that the site is remediated to an appropriate standard having regard to ground conditions and coal mining legacy.

06. Where the findings of the intrusive site investigations (required by condition 05 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 ensure that the site is remediated to an appropriate standard having regard to ground conditions and coal mining legacy.

07. No development shall take place until a land contamination assessment is submitted to and approved in writing by the Local Planning Authority. The assessment shall include the following;
- a) reference to the existing Phase 1/desk study
 - b) a Phase 2/intrusive site investigation

- c) a Remediation Strategy (if necessary) and
- d) a Validation report

Reason – In the interests of dealing with any land contamination issue

Highways

- 08 There shall be no gates or other barriers to prevent access to the designated turning area at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of highway safety.

- 09 Prior to the occupation of any dwelling, the existing southern vehicular access to Harehill Road shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of highway safety.

10. No development shall take place until a Construction Management Plan or Construction Method Statement (CMP / CMS) 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
 - swept paths for construction vehicles expected to enter the site (largest vehicle to be demonstrated)
 - 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.

11. No part of the development hereby approved shall be occupied until space has been laid out within the site in accordance with the approved plan for cars to be parked and for vehicles to be manoeuvred such that they may enter and leave the site in forward gear. Thereafter all spaces and dedicated manoeuvring areas shall be maintained free from any impediment to their designated use in perpetuity.

Reason - In the interests of highway safety.

Ecology

12. Prior to commencement of the demolition of the building a preliminary bat survey of the site to assess the suitability of the structure for use by roosting bats shall be submitted to the local planning authority for consideration. If the results indicate that the site is suitable for bats or evidence of a roost is found then further emergence surveys would be required during the peak bat activity season (May to August inclusive) to provide survey information compliant with current good practice guidelines. The submitted information shall include mitigation measures and the demolition shall only proceed in accordance with the mitigation measure previously agreed in writing by the local planning authority.

Reason - To safeguard against the loss of protected species and habitats in accordance with Policy CS9 and the National Planning Policy Framework.

Landscaping

13. The landscaping scheme shown on the Landscape Masterplan shall be carried out in full during the first planting season following completion of the development hereby approved.

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

14. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as a replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

15. The details within the Tree Protection plan (TPP) reference TPG 03 by Weddle Landscape Design shall be adhered to at all times throughout any land stripping and development.

Reason - In regards to the protection of trees on site and to ensure compliance with Policy CS9 of the Core Strategy Local Plan 2011-2033

Local Labour

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

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

Others

17. Before occupation of plots 7, 8 and 9 the rooflights shown for plots 7, 8 and 9 shall be obscure glazed to a minimum of Pilkington level 4 and which shall thereafter be retained as such .

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

18. Notwithstanding the provisions of the General Permitted Development Order (or any order re-enacting that order) there shall be no additional roof windows or extensions or alterations to the boundary treatments without the prior written approval of the Local planning authority.

Reason – In the interests of the amenity of the neighbours and the surrounding local area

19. Precise details of the means of enclosure of the boundary treatment to Harehill Road shall be submitted to the local planning authority for consideration. The detail agreed in writing shall be carried out on site prior to occupation of any unit and notwithstanding the provisions of the General Permitted Development Order shall be retained as constructed thereafter for the life of the development.

Reason – In the interests of the amenity of the surrounding local area.

20. Precise details of the means of enclosure of the bin stores shall be submitted to the local planning authority for consideration. The detail agreed in writing shall be carried out on site prior to occupation of any unit and shall be retained as constructed thereafter for the life of the development.

Reason – In the interests of the amenity of the surrounding local area.

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

Reason – In the interests of residential amenity.

22. 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.

23. Electric Vehicle Charging Points (EVCPs) shall be provided in accordance with the approved site layout for at least 2 no. car parking spaces. Thereafter the EVCP's 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.

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.