

Case Officer: HF/PS

File No: CHE/21/00464/OUT

Plot No: 2/1165

Ctite Date: October 10<sup>th</sup> 2022

## **ITEM 2**

### **OUTLINE APPLICATION FOR ERECTION OF 2 BUILDINGS (ONE UP TO 6 STOREY AND ONE UP TO 4 STOREY) FOR MIXED USE COMPRISING OF OFFICES (Eg), HOTEL (C1), RESIDENTIAL (C3), RETAIL (Ea), FOOD AND DRINK (Eb), FITNESS (Ed), CRECHE (F1e), EVENT SPACE WITH CAR PARK AT CHESTERFIELD HOTEL SITE, MALKIN STREET, CHESTERFIELD, DERBYSHIRE, S41 7UA FOR CHESTERFIELD BOROUGH COUNCIL AND PRESTIGE (MIDLANDS) HOTELS LTD.**

Local Plan: Unallocated / (Policy SS7)

Ward: St Leonards

#### 1.0 **CONSULTATIONS**

<b>Local Highways Authority (DCC)</b>	Comments received 13/7/21 – see report
<b>Strategic Planning Team</b>	Comments received 28/6/21 and 17/2/22 – see report
<b>DCC Planning Policy Team</b>	Comments received 19/10/21 – see report
<b>Environmental Services</b>	Comments received 27/9/21 and 26/1/22 – see report
<b>Design Services</b>	Comments received 7/10/21 – see report
<b>Economic Development</b>	Comments received 1/10/21 – see report
<b>NHS CCG</b>	Comment received 29/06/21, 8/10/21 and 9/11/21 – see report
<b>Coal Authority</b>	Comments received 5/7/21, 28/7/21 and 28/9/21 – see report

<b>Yorkshire Water Services</b>	Comments received 22/12/21 – see report
<b>Lead Local Flood Authority</b>	Comments received 16/8/21 and 25/11/21 – see report
<b>Derbyshire Constabulary</b>	No comments received
<b>Derbyshire Fire &amp; Rescue Service</b>	Comment received 12/7/21
<b>C/Field Cycle Campaign</b>	Comments received 3/10/21 – see report
<b>Transition Chesterfield</b>	Comments received 5/10/21 – see report
<b>Historic England</b>	Comments received 13/7/21, 22/9/21 and 18/5/22 – see report
<b>Chesterfield Civic Society</b>	Comments received 22/7/21 – see report
<b>DCC Archaeology</b>	Comments received 19/7/21 – see report
<b>Trans Pennine Trail</b>	Comments received 27/9/21 – see report
<b>Conservation Officer</b>	Comments received 8/6/22 – see report
<b>Ward Members</b>	Comments received 24/9/21 from Cllr Sarvent noting comments made by Civic Society and Historic England.
<b>Site Notice</b>	No representations received
<b>Advert</b>	Comments from Derbyshire Swift Conservation Project dated 5/11/21 – see report
<b>Neighbours</b>	No objections received

## 2.0

### **THE SITE**

#### 2.1

The application concerns the site of the former Chesterfield Hotel and car park, which is being demolished following a period of vacancy. The site is located on Malkin Street between the

Chesterfield Railway Station and the A61 by pass. The site sits in a prominent and elevated position which is visible above the A61 carriageway.

2.2 The site sits on a three-sided island bordered by Malkin Street to the north, the A61 slip road to the east and the A61 by pass retaining wall along the south west boundary. The A61 is situated in a significant cutting where it passes the site. To the south of the site there is a small pay and display car park accessed from the A61 slip road between the A61 retaining wall and the former position of the hotel building. To the south corner of the site there is also a ramped access to the pedestrian bridge across the A61 to Corporation Street forming the main pedestrian route from the town centre to the railway station.

2.3 The ownership of the site is generally split along the line between the former building and car park with the CBC half being the former building. Vehicular access to the site is from Malkin Street into the former hotel car park. An existing Plane tree is situated to the western side of the car park area. Beyond the western extent of the site is a triangle of unregistered land and the bus pull in at the mini roundabout at the southern end of Brimington Road. The approximate area of the site is 2554m<sup>2</sup> (0.26Ha).



### 3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/0684/0343 - Display of 2 illuminated neon signs and 2 flagpoles.  
Approved conditionally 02/08/1984.
- 3.2 CHE/0784/0444 - Display of an illuminated double sided projecting sign on a site.  
Approved conditionally 29/10/1984.
- 3.3 CHE/0685/0353 - Display of erection of flagpoles and flags on a site at rear of car park area.  
Approved conditionally 01/07/1985.
- 3.4 CHE/0785/0439 - Permission for lighting along car park.  
Approved conditionally 23/09/1985.
- 3.5 CHE/1286/0735 - Permission for new car park on land opposite.  
Approved conditionally 26/02/1987.
- 3.6 CHE/0687/0400 - Display of illuminated built up perspex letters.  
Approved conditionally 13/08/1987.
- 3.7 CHE/0988/0751 - Permission for additions to hotel to provide bedrooms function suite leisure centre and meeting rooms.  
Approved conditionally 15/12/1988.
- 3.8 CHE/0790/0520 - Advertisement signs.  
Approved conditionally 06/09/1990.
- 3.9 CHE/1001/0564 - Replacement canopy to main entrance.  
Approved conditionally 19/11/2001.
- 3.10 CHE/04/00656/FUL - Proposed ramp and steps to front entrance.  
Approved conditionally 10/09/2004.
- 3.11 CHE/05/00046/ADV - Illuminated signs to the hotel/leisure suite.



Approved conditionally 11/03/2015.

- 3.12 CHE/19/00698/DEM - Demolition of Former Chesterfield Hotel for Prestige Hotels (Midlands) Ltd.  
Prior approval granted 30/12/2019.
- 3.13 CHE/20/00054/OUT – Outline for erection of B1 Offices with 41 space car park for CBC and Prestige Hotels (Midlands) Ltd.  
Approved conditionally 10/03/20
- 3.14 CHE/20/00642/NMA – Introduce ability to undertake CHE/20/00054/OUIT in a phased manner for CBC and Prestige Hotels (Midlands) Ltd.  
Approved 14/10/20
- 3.15 CHE/22/00068/FUL – Use of site following demolition as temporary car park for CBC.  
Approved 29/04/22

#### 4.0 **THE PROPOSAL**

- 4.1 The application is submitted in outline, for the proposed re-development of the former Hotel site with two buildings comprising of 4 and 6 storey and which would include a range of uses comprising mainly of offices (Eg) and hotel (C1) but which could also include residential (C3) – limited to no more than 9 units, retail (Ea), food and drink (Eb), fitness (Ed), creche (Ef), event space (F1e) and pub/bar/drinking (sui generis). The main town centre uses are intended to be limited to a floor area of no more than 499m<sup>2</sup>. All matters apart from scale are reserved for approval at a later date.
- 4.2 On the basis that scale of building is to be considered the applicant confirms that the south east part of the site would be up to 4 storey with a GIA footprint of 890m<sup>2</sup> and a total GIA of up to 3,014m<sup>2</sup>. The north west part of the site would be up to 6 storey with a GIA footprint of 810m<sup>2</sup> and a total GIA of up to 3,842m<sup>2</sup>. The revised

Design and Access Statement indicates how the massing impacts of the proposed buildings can be reduced through varied storey heights as shown in the extract below. The south east part is shown to be up to 95.8 metres AOD with the north west part with varying roof heights comprising of 96.9 and 99.9 metres AOD.

- 4.3 The submission confirms the intention that both buildings would have their main entrances facing Malkin Street however both buildings would be designed as a single coherent scheme in terms of architectural style and appearance with the prospect of shared facilities. The submission includes supporting information setting out illustrative building uses, access, activities and phasing opportunities, suggesting that the eastern part of the site would come forward as phase 1.



- 4.4 The application submission is accompanied by the following plans / documents:

- Site Location Plan – CHE-MAB-ZZ-ZZ-DR-A-00101 rev P01
- Existing Site Plan – CHE-MAB-ZZ-ZZ-DR-A-00102 rev P04
- Proposed Site Plan – CHE-MAB-ZZ-ZZ-DR-A-00103 rev P04
- Illustrative Building Heights – CHE-MAB-ZZ-ZZ-DR-A-00104 rev P04
- Illustrative Use Types – CHE-MAB-ZZ-ZZ-DR-A-00105 rev P05
- Illustrative Access and Movement – CHE-MAB-ZZ-ZZ-DR-A-00106 rev P04
- Illustrative Street Activation – CHE-MAB-ZZ-ZZ-DR-A-00107 rev P04

- Proposed Site Phasing Plan – CHE-MAB-ZZ-ZZ-DR-A-00115 rev P02
- Travel Plan by Aecom dated June 2021
- Flood Risk and Drainage Assessment by Price & Myers dated 18<sup>th</sup> June 2021
- Supporting Statement by Maber dated 6<sup>th</sup> May 2022
- Coal Mining Risk Assessment by Eastwood & Partners dated 16<sup>th</sup> July 2021
- Views Analysis by Maber dated 13<sup>th</sup> April 2022
- Design & Access Statement by Maber dated 26<sup>th</sup> April 2022

## 5.0 **CONSIDERATIONS**

### 5.1 **Chesterfield Borough Local Plan 2018 – 2035 – Relevant Policies**

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP6 Economic Growth (Strategic Policy)
- CLP7 Tourism and the Visitor Economy
- CLP8 Vitality and Viability of Centres (Strategic Policy)
- CLP9 Retail
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP21 Heritage
- CLP22 Influencing the Demand for Travel
- SS1 Chesterfield Town Centre
- SS7 Chesterfield Railway Station

### 5.2 **National Planning Policy Framework - Relevant sections**

- Part 2. Achieving sustainable development
- Part 4. Decision-making
- Part 6. Building a strong, competitive economy
- Part 7. Ensuring the vitality of town centres
- Part 8. Promoting healthy and safe communities

- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment
- Part 16 Conserving and enhancing the historic environment

### 5.3 **Key Issues**

- Principle of development including National and Local Policy;
- Design and Appearance;
- Heritage Impact – Archaeology and Setting of Listed Buildings;
- Highways safety including Impact on Footpaths and Cycle network;
- Drainage and Flooding Impact;
- Coal Mining and Ground Stability;
- Biodiversity and impact on Ecology;
- Other Considerations

### 5.4 **Principle of Development**

- 5.4.1 The application site is unallocated therefore policies CLP1, CLP2, CLP9 are of relevance however the Strategic Site policy SS7 affecting the Chesterfield Rail Station area is also of direct relevance.
- 5.4.2 Policy CLP1 states that *‘The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2, and to focus on areas that need regenerating, including the ‘place shaping’ areas set out in policies SS1 to SS6 and Regeneration Priority Areas.’*
- 5.4.3 Policy CLP2 states that when *‘Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:*  
*a) deliver the council’s Spatial Strategy (policy CLP1);*

- b) are on previously developed land that is not of high environmental value;*
- c) deliver wider regeneration and sustainability benefits to the area;*
- d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;*
- e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;*
- f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;*
- g) ensure the long term protection of safeguarded Minerals Related Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;*
- h) are not on the best and most versatile agricultural land;'*

5.4.4 Policy CLP9 states that '*Across the borough, a sequential approach will be used to assess sites for retail and other town centre uses, to focus such development on town, district, local service centres and local centres to meet the requirements of national planning policy*' and '*Individual small shops designed to serve local day to day needs will normally be permitted outside defined centres (as shown on the Policies Map) subject to consideration of the impact test thresholds set out above.*'

5.4.5 Policy SS7 states "*Within land between Hollis Lane and Crow Lane, as shown on the Policies Map, the council will prepare an approved masterplan/development framework to maximise the regeneration benefits of future HS2 services and conventional rail services utilising the station. Within this area, and in accordance with the approved masterplan, the council will support development based on the extent to which it delivers:*

- a) improved access to Chesterfield Railway Station by all modes of transport including improved forecourt arrangements;*
- b) modernisation of Station facilities and electrification of the Midland Main Line through it;*
- c) a new link road between Hollis Lane and Crow Lane and related*

*road alignments;*

*d) improvements to the A61 Corporation Street footbridge, including its replacement with a new bridge;*

*e) mixed use development to include residential dwellings (C3), commercial office space (B1), car parking;*

*f) limited retail and leisure uses (A1 to A5 and D1 and D2) in association with the Station;*

*g) pedestrian and cycle links to Chesterfield Waterside and Chesterfield Town Centre;*

*h) essential infrastructure required to deliver the improvements set out in the approved masterplan;*

*i) appropriate assessment, evaluation and, if necessary, recording of archaeological remains;*

*j) improved inclusive accessibility to Chesterfield Railway Station and within the masterplan/development framework area.*

*Planning Permission will not be granted for development that would prevent the delivery of the above improvements”*

## **Considerations**

5.4.6 Whereas the site is not specifically allocated for a particular development it is within the area identified on the Local Plan Policies Map as part of the Chesterfield Railway Station Strategic Site (policy SS7). The Council has also approved a non-statutory masterplan for this area, the HS2 Station Masterplan, which is a material consideration in determining the application. Policy SS7 sets out that the council will support development in accordance with an approved masterplan and the extent to which it delivers the specific criteria set out in parts (a) to (j) of the policy. Overall the policy encourages a mix of uses including residential, commercial office space, and limited retail and leisure uses in association with the station, in accordance with the approved masterplan.

5.4.7 The application site forms ‘Plot E’ within the approved masterplan and is identified for mixed use development with key design drivers being indicated as:

- Stronger urban grain- Proposed building helps direct footfall to/from the town centre
- Pedestrian permeability- Improved pedestrian connections to/from the station
- Incorporating greenery- Feature trees along the pedestrian boulevard
- Active frontage- To promote activity and welcoming reception facing the station
- Appropriate height and scale- strategically tiered buildings to offset the effect of a 6 storey MSCP
- Improved public realm- Linking Corporation Street and the Station Forecourt
- Protecting heritage assets- Framing views of the Spire from the station
- Creating gateways and landing points- Welcoming arrival space after crossing the A61 bridge
- Improving green infrastructure- enhancing greenery and biodiversity.

5.4.8 The application seeks a wide range of uses but does not indicate a potential split between them at this stage. Consideration of the policy implications of the application therefore needs to be on the basis that all the possible uses could be developed together, or that the entire building could be fully occupied by one of the proposed uses. Whilst the application may only include the named uses in the description, unless any other uses in Class E are specifically excluded by condition, any permission granted is effectively for any use within Use Classes E and F1. This would bring into play a number of other possible Main Town Centre uses which need to be considered.

5.4.9 It is considered that in the event that a permission is granted, on the basis that Use Class E covers a range of other uses, that a condition should be applied limiting the uses to those specified as referred to below.

Office uses:

5.4.9 In considering the various uses, an Office use E(g) was accepted under the previous permission CHE/20/00054/OUT and which was approved prior to adoption of the Council's new Local Plan but post examination and which did take account of the emerging policies and the post examination modifications. However this was based on a sequential assessment that considered only 820sqm of floorspace, significantly lower than the current application proposals. Since then, the council has approved the masterplan for this area and adopted the Local Plan. Policy SS7 specifically refers to Commercial Office Space being a suitable use within the masterplan area. It is the case therefore that there is no longer a need to apply the sequential test to the proposed office use.

5.4.10 However the reference to the new Use Class E(g), also includes: E(g)(ii) 'Research and development of products or processes' and E(g)(iii) 'Industrial processes'; (provided they 'can be carried out in a residential area without detriment to its amenity'). Under policy CLP6, such uses will be granted permission "in locations within and close to existing town and district centres". Given the proximity of Chesterfield Town Centre and the railway station to the site these uses would also be considered as appropriate.

#### Main Town Centre Uses:

5.4.11 Main Town Centre Uses are defined in the Glossary to the NPPF as: 'Retail development (including warehouse, clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)'. Of the uses specifically described in the application and the Schedule of Uses, only Hotels (C1), Residential (C2) and 'Maker Space' are not Main Town Centre Uses. Policy SS7 refers to 'retail and leisure uses in association with the station,' implying that there needs to be a more direct relationship than simply being within the allocation boundary, and the masterplan does not specify these uses on the



masterplan for Plot E. For the remaining uses, the Sequential approach and Impact Tests required by the NPPF and Local Plan policy CLP9 would need to be applied. Sequential Tests are required for all Main Town Centre Uses outside an existing centre, and policy CLP9 requires an Impact Test for all Main Town Centre uses exceeding 500sqm (Gross Internal Floorspace). No sequential or impact assessment has been provided as part of the planning application. Taking the pragmatic view that there is already a need for a 500sqm floorspace cap due to the Impact Assessment, and that this combined with the location on both the edge of the Town Centre and close to Waterside (which has allocations for similar uses as part of Basin Square), and it being part of a larger building for a mixed use purpose, that the likelihood of the proposed uses harming the vitality and viability of Chesterfield Town Centre (which is after all the intent of the sequential approach) is extremely low. The Councils Strategic Planning Manager is satisfied that the Council can argue convincingly that as local planning authority, that the sequential approach has been applied and its aims have been considered and the conclusion that a full assessment of alternative sites is not proportionate in the circumstances can be made. It is considered necessary however to impose a condition on any permission granted limiting the development in Uses Classes E(a) – retail, E(b) - café / restaurant, E(d) - fitness space, E(f) – crèche, F1(e) - event space or, public house / bar / drinking establishment to no more than 500sqm Gross Internal Floorspace (cumulatively). It is considered necessary to impose a limit on the floorspace of town centre uses to a cumulative of no more than 500sqm (with the exception of the office and event space, which are not covered by the Impact Assessment).

#### Hotel

##### 5.4.12

Policy CLP7 covers the location of development to enhance tourism and which covers visitor accommodation. A hotel in this location would meet the criteria (a) to (d) set out in the policy and be appropriate. Indeed the previous building on the site was used as a hotel.

## Residential

5.4.13 Policy SS7 refers to residential as a possible use within the Station area however the masterplan does not identify plot E for residential use. The site is currently surrounded on three sides by roads, including the A61 bypass to the west. Although the Local Plan seeks to encourage (in policies CLP1 and CLP2) housing development in sustainable locations where residents can access a range of key facilities by walking (which would be the case here), policy CLP14 and CLP20 require development to create a suitable level of residential amenity. Given the proximity to the A61 this could generate issues around noise and air quality which may well be detrimental to a residential use. Whereas a residential use on site may be possible to resolve through sensitive location on the site, it is considered that this issue is best assessed at Reserved Matters Stage.

5.4.14 As the application does not indicate a number of dwellings, the policies must be applied on the basis of what could be implemented on any permission and given the scale of building/s applied for this would clearly be substantially more than 10 dwellings. Furthermore, Policy CLP4 requires that any housing development of 10 or more dwellings in this location make provision for 10% of dwellings to be affordable (75% of which should be for affordable rent and 25% First Homes). There is also a requirement in policy that 25% of any dwellings on developments comprising of 10 or more dwellings should be constructed to the M4(2) adaptable and accessible standard to comply with policy CLP4. The NHS/CCG has identified that a contribution to local health facilities may be required depending on the final number of dwellings constructed. This would be appropriate under policy CLP4, subject to evidence of the impact of development on health provision and the costs of mitigating that impact being provided by the CCG in response to any relevant Reserved Matters. This would usually be secured by an appropriate mechanism through a S106 agreement. As an alternative, any permission could be constrained by a condition that allows for no more than 10 dwellings to be

incorporated into the scheme and this is reflected in the submitted application.

- 5.4.15 In its comments on the Station Masterplan, Derbyshire County Council Policy Officer considered that the vision, objectives and aims, design and layout principles and overall approach set out within masterplan had been developed to fully reflect the requirements of the adopted Policy SS7 in the Local Plan and he confirms that it is welcomed that those requirements form key elements of development proposals for the specific plots that had been defined to deliver the overall vision of the masterplan. In this context, the DCC Policy Officer is supportive in principle of the redevelopment of the Chesterfield Hotel site as a first step towards realising the overall masterplan and he welcomes the fact that the planning application acknowledges the masterplan and attempts in broad principles to adhere to some of the design concepts for the site.
- 5.4.16 The Council's Economic Development Unit (EDU) is also supportive of the application given that the proposal supports the delivery of the Council's Growth Strategy (2019-23) whose overall aim is to 'secure the long-term growth of the borough, supporting new job creation and ensuring people have the right skills to access future employment opportunities'. Specifically, under Objective 3 'securing investment in infrastructure' the strategy includes the action 'work with DCC to secure the implementation of a Masterplan to develop the station area as a vibrant *HS2* gateway and unlock significant commercial and residential development'. The Masterplan includes the former Chesterfield Hotel site (referenced as Plot E) as a key component of the masterplan proposals, noting it as a strategically important location (linking the station and the town centre) and allocating the site for mixed use development. Given the nature of the proposal there will be significant employment, training and supply chain opportunities created during the construction phase and during the operational phase of the development. The EDU recommends therefore that a local labour/ supply chain clause is negotiated and secured via

either a s106 agreement or planning condition which would encourage local employment, training and supply chain opportunities during the construction phase to promote these opportunities to local businesses and local people. The EDU would also be keen to engage with the applicant to extend any activity that falls under this condition to the operational phase of the development. This will ensure that there is a strategy for promoting the additional employment and training opportunities resulting from the operational phase. The procedure of securing benefits for local communities from development activity meets the objectives of the Chesterfield Borough Council Corporate Plan and the Chesterfield Local Plan 2018 – 2035.

- 5.4.17 The County Council Policy Officer comments that the principle of a hotel and mixed-use development seems to be compatible with its location on the edge of the town centre and near the railway station and it would be anticipated that these types of uses could encourage people to the Corporation Street area and extend the current town centre offer.
- 5.4.18 It is considered that a condition can be imposed on any permission granted to require submission of a local labour and supply chain plan which is common practice on such major applications.

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

**Relevant Policies**

- 5.5.1 Local Plan policy CLP20 states “*All development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context.*” It states at part b) ‘*respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.*’ For the full wording of policy CLP20 see the Chesterfield Borough Local Plan 2018 – 2035.

**Considerations**

- 5.5.2 The application site is situated on the edge of the town centre area which is very much of an urban character and which is likely to be the subject of significant change in coming years through the development proposals taking place at Chesterfield Waterside and in connection with the Station Masterplan area. The site is not located within a conservation area however there are heritage assets in the close vicinity which will be retained and which contribute to the mix and overall character of the area. It is however an area where considerable change is expected and that the new buildings, highways layout and the associated public realm will have a comprehensive, contemporary and modern feel. Such an approach has already been taken with the new office building constructed on the Waterside Basin Square area and as part of the LUF funded scheme for the Stephenson Memorial Hall which is a key building on the route into the town centre area from the railway station and which passes immediately alongside this site and which includes approval for a contemporary extension to the main facade.
- 5.5.3 As an outline application with all matters apart from scale reserved, the design and appearance considerations are however limited at this stage. It is the case however that the architecture of the scheme would need to respond and reflect appropriately to local vernacular. It is also the case that the materials and finish of the final scheme will need to be carefully considered.
- 5.5.4 The adopted Station Masterplan (20<sup>th</sup> July 2021) includes a fly-through with a clear indication of a modern contemporary approach to the comprehensive redevelopment of the area including this application site which forms plot E. The fly-through also indicates an indicative mass and scale for the building on this site and which illustrates a stepping from east to west of 3 up to 6 storey.



(view from rail station towards tree lined boulevard - extracted from Chesterfield Masterplan flythrough with new buildings on former hotel site on right)

- 5.5.5 The DCC Policy Officer accepts that the design is not a matter for consideration but is encouraged by some of the supporting images that demonstrate the aspirations for the design of the building to create an ‘iconic landmark building’ in a contemporary style.
- 5.5.6 With regard to the scale and massing of the buildings proposed, which is a material consideration on the application, the issue is relevant to the design chapter but is also of relevance to the heritage chapter at section 5.6 and where the matter is discussed and assessed further.
- 5.5.7 Policy CLP20 (Design) requires that “Major development should, as far as is feasible and financially viable minimise CO2 emissions during construction and occupation, and also maximise both the use of and the generation of renewable energy.
- 5.5.8 Transition Chesterfield comment that the Design and Access statement makes no mention of energy efficient design and carbon emissions. Given that Chesterfield Borough Council has declared a climate emergency and building energy is one of the single biggest contributors to Chesterfield’s carbon emissions this building should aim to be of the highest environmental standard possible, eg BREEAM outstanding or excellent. It should also include solar

panels and/or heat pumps and ensure it does not rely on gas boilers.

- 5.5.9 It is accepted that the application is in outline, and it is not possible at this stage to consider how this may be achieved however the applicant states that the intention is to achieve a high performing development in respect of environmental sustainability which will set a precedent for other buildings in the local area and it is considered appropriate therefore to impose a condition requiring a statement as part of Reserved Matters submission setting out how the development will minimise CO2 emissions during construction and occupation in terms of:
- i. following the steps in the energy hierarchy by seeking to use less energy, source energy efficiently, and make use of renewable energy before efficiently using fossil fuels from clean technologies;
  - ii. optimising the efficient use of natural resources;
  - iii. reducing emissions through orientation and design.
- 5.5.10 The Fire Service has recommended the Installation of a Domestic Sprinkler System in the premises, or alternately a minimum 32mm water supply capable of delivering the required volumes which would allow an installation to be carried out easier and at less cost should this be proposed in the future. The Fire Service accept that this is good practice rather than an enforceable requirement. This is a matter of detail which has yet to be designed however it is clear that such matters are for Building Control rather than planning. It is suggested that a note be appended to any planning permission granted.
- 5.5.11 Overall it is considered that the principle of the development is appropriate (as set out in section 5.4 above) and the site can deliver an appropriate design response taking account of the parameters set out in the application submission whilst reflecting on the local area and the architecture / vernacular significant to Chesterfield and its town centre. Furthermore, a scheme can be achieved which would respect the setting and key views of the Crooked Spire and other heritage assets (see section 5.6 below).

In the context of policies CLP20 of the Local Plan and considerations of design and appearance, the proposal is considered to be acceptable.

## 5.6 **Heritage / Archaeology**

- 5.6.1 Policy CLP21 of the Local plan is of direct relevance and which states *“In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible. In order to ensure that new development conserves or enhances the significance of designated and non-designated heritage assets and their settings, the council will:*
- a) apply a presumption against development that would unacceptably detract from views of St Mary’s Church (the Crooked Spire) by virtue of its height, location, bulk or design;”*
- 5.6.2 As referred to earlier the site sits outside the Chesterfield Conservation area however its redevelopment, following the demolition of the hotel, has the potential to impact adversely on the setting of the conservation area and the listed buildings of the Crooked Spire and the North Midland House building on Corporation Street.
- 5.6.3 Having regard to the sensitivity of this proposed site, Historic England (HE), the Council’s Conservation Officer (CO), DCC Archaeology (DA) and the Chesterfield Civic Society (CCS) were all consulted on the application.
- 5.6.4 From an archaeology point of view the DCC Archaeologist refers to the desk-based assessment which was produced in support of application CHE/20/00054/OUT in early 2020. This study demonstrated that the potential for the survival of archaeological remains in the footprint of the former hotel was extremely low because the building had both basements and a basement car park, the construction of which was likely to have removed any



such remains. The DA accepts that the findings of the earlier report will not have changed and raises no adverse response to the current application.

5.6.5 Historic England has offered advice to assist the Council in determining the application. HE advised that there are fine views of the highly graded Church of St Mary and All Saints from the lower level land around the railway station and they raised concerns in relation to the six-storey element of the proposed development commenting that this element of the scheme would impinge on and detract from key views of the highly graded church, particularly in views from Brimington Road. HE has noted amended drawings and submitted Views Analysis document by Maber and confirm their view that the amended scheme has reduced the impact of the proposal in key views from Brimington Road towards the highly graded church. They comment that the scale and mass of the proposed scheme would still have an adverse impact on the settings of both the highly graded church and the conservation area, resulting in harm to their significance.

5.6.6 HE comment that the proposed building would be harmful to the significance of the highly graded Church of St Mary's and All Saints and the Chesterfield Town Centre Conservation Area by virtue of its scale and bulk and that the harm would be less than substantial as identified in the NPPF. In line with paragraphs 200 and 202 of the NPPF, HE comment that it will be for the Borough Council to consider the justification put forward for this scheme in the form proposed, and to balance all planning matters, including any public benefit afforded by this proposal, and affording the required weight to heritage matters as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 Act and the NPPF. In conclusion HE has concerns regarding the application on heritage grounds as outlined above and the Borough Council will therefore need to be satisfied that the harm caused by the proposal has clear and convincing justification and is outweighed by the public benefits of the proposed scheme.

- 5.6.7 The Council's Conservation Officer similarly comments that the key issue from a conservation perspective, given the scale and size of the outline proposal, is what impact it would have on the setting of any heritage assets in the vicinity, particularly the grade I listed Church of St Mary and All Saints (Crooked Spire), but also the grade II listed North Midland House and the grade II listed Stepheson Memorial Hall. Given the prominence and height of the Crooked Spire and the lower ground levels around the train station, the building can be viewed from the Train Station/ Brimington Road/Crow Lane environs and provides an important setting in relation to these areas. The Crooked Spire is also Chesterfield's best-known building and provides the town with a unique skyline and identity. Reference is made to the Council's adopted Town Centre Conservation Appraisal (2006) which confirms that the town centre displays itself in a tiered development up the sloping terrain which allows impressive views in and out. Noticeable in these views and throughout the town is the prominent landmark of the Crooked Spire on St Mary's Church which has come to stand as a symbol for Chesterfield.
- 5.6.8 The CO comments that the area around the hotel site is also a gateway into the town centre, being a busy focal point for commuters and passengers accessing the train station via Malkin Street, Corporation Street, Brimington Road and Crow Lane. He comments that any new development should attempt to blend in effectively with the surrounding townscape and protect or contribute to the town's character and identity.
- 5.6.9 The CO comments that the proposed new development would be up to 6 storeys high, and it is likely that this level and scale of development would not reflect or blend in effectively with the existing townscape and which would likely undermine the setting of the Crooked Spire and other heritage assets by presenting an overbearing and dominating form of development.
- 5.6.10 The CO considers that the applicant has not taken the context of the development properly into account (in accordance with

paragraph 189 of the NPPF) and that given the scale and size of development, the aim appears to be to maximise floor space to generate sales or rental values, rather than protect or contribute to the town's existing townscape and character. He comments that where there would be harm to heritage assets, including harm to their settings, and in accordance with the NPPF (paragraphs 201 & 202) harm should be assessed against any public benefits of proposals. The CO comments that the degree of harm in this case could be argued to be less than substantial, though given the importance of the setting of the Crooked Spire to the identity and character of Chesterfield comments that the level of harm is debatable, but that whatever the level of harm, the applicant would still need to demonstrate clear public benefits of the proposals. He concludes that as these outline proposals appear to be commercially oriented with an emphasis on maximising floor space to maximise revenue or profit, then it is difficult to see where those public benefits are.

- 5.6.11 The Chesterfield Civic Society confirm their support for the proposal as it is described in outline but would like to make a number of points on matters of detail, mostly in connection with the 'Design and Access Statement' prepared by Maber Associates Ltd. The CCS commented that they would like to see the hotel building demolished as soon as possible suggesting that even if the land was only used in the interim as a temporary car-park the impression given to those arriving in Chesterfield by train would be an improvement on what greeted them pre demolition. A number of comments are made regarding the statements made in the Design and Access Statement. The CCS make reference to the 'HS2 masterplan' (or 'HS2 station masterplan') which they consider is seriously misleading in that the Borough Council has repeatedly stressed that the proposed redevelopment of the station approach can be funded independently of the north-eastern arm of HS2 and will go ahead whether or not the HS2 railway is built. The important point is that the urgently needed redevelopment of the station approach is not directly connected with HS2, either financially or in design or engineering terms.

- 5.6.12 The CCS make comment regarding the following issues:
- the present route on foot from the rail station up what remains of Corporation Street has never been the 'main pedestrian thoroughfare' to the Market Place;
  - Comments regarding what makes the character within the historic core of the town;
  - Comments on the grain of the town;
  - Comments in relation to the lean of the spire;
  - Numerous historical errors in the Design & Access Statement;
  - The likelihood of former coal workings at this site so close to the town centre;

5.6.13 The CCS support the references to the need to preserve a view of the parish church spire from the station approach and support that the eastern half of the site should be rebuilt to a height of no more than three storeys) but this is not a case of 'framing' the church spire, merely leaving it visible from the station approach. The CCS fail to see how the proposed rebuilding of the hotel site can achieve this, since it involves the demolition of what was a large four storey building and its replacement by a three-storey building. The view of the church from the station will, if anything, be improved by this change, since three-storey buildings are generally less tall than four-storey buildings. They also comment that due to the topography of the town, as is commonplace, churches like in Chesterfield were built within the protective curtilage of a Roman fort and which were usually built on high ground to make them more easily defensible and that if a town is established on the top of the hill, the roads approaching it will be on a slope.

5.6.14 The DCC Policy Officer states that a key design concept has been to maintain a visual connection between the railway station and the Church of St Mary and All Saints (the Crooked Spire) by ensuring that any new building had a stepped design that helped to frame this view. In broad terms, the Policy officer comments that the proposed design aims to do this by creating a stepped approach so

that the building proposes to create two distinct and connected blocks (the western block being up to 3/4 storeys and the eastern block being 6 storeys) and in doing so this would assist in maintaining the vista towards the church.

5.6.15 DCC Policy Officers confirm that they are very supportive of the masterplan and its objectives, which are to create a more engaging experience from Chesterfield Railway Station and along Corporation Street towards the town centre through the delivery of a mixed-use development. They comment that the loss of the Chesterfield Hotel, as part of the masterplan, is regrettable but it was accepted that this would be mitigated by replacing it with a well-designed and high quality development, including the associated public realm and landscaping, as this would have the potential to enhance the setting of the conservation area and the masterplan fly-through provided a very useful means of visualising the proposed development. DCC accept that this provides an indicative view of the masterplan, it hints that the new mixed-use development for plot E comprises two rectangular blocks, of 3 and 6 storeys, that would be stepped in such a way that could potentially improve the visual connection with the conservation area and Church. DCC comment that the fly-through is suggestive that the overall architectural expression of the building would be achieved relatively simply through the use of large glazed rectangular openings to express its modern structure. Both blocks feature flat roofs, the taller featuring concealed solar panels and the lower block featuring a green roof space, presumably to strengthen its relationship with the landscaping and green spaces at ground level.

5.6.16 The DCC Policy Officer comments that since then the project has clearly evolved and more detailed information has come to light as part of the current submission. Furthermore, DCC Policy Officer has taken account of the latest comments from Historic England particularly with regards to the significance of, and potential impact on, the setting of the Grade I Listed Church of St Mary. In light of this, DCC Officers principally still agree that the proposed

development should be a positive step forward for Chesterfield. Although no detailed architectural information has been submitted, the images within in the DAS are suggestive that this will be in the spirit of the design framework/principles set out in the proposed masterplan. However, although the building is of a similar footprint and massing, DCC Officers have commented regarding the height of the 6-storey block and say they are supportive of the concerns expressed by HE in that it could 'impinge on and detract from the key views of the highly graded church'. This includes views from the vicinity of the station, but also from other positions such as Basin Square and Crow Lane. They say that the 'Views Analysis' document supports these concerns, as it clearly shows that the 6-storey block would interrupt views from these locations. Furthermore, when comparing the existing and proposed contextual sections in the DAS it is also considered that 6 storey element breaks rank with the established sweeping skyline from the Church and down towards the station. Although the hotel has now been demolished they comment that the hotel building has not been shown on this section and this would have been useful to help articulate this point further. DCC Officers concur with the assessment of the level of harm currently determined by HE on the setting of the Church as falling within the category of less than substantial.

5.6.17 However, DCC Policy Officers consider that this level of harm could be reduced to a more acceptable level if the height of the building was reduced to a point where it is more closely aligned with the height of the former Chesterfield Hotel building. This was in the order of 4 storeys, at its maximum, plus the height of its pitched roof and therefore, it is conceivable that a building of a maximum of 5 storeys in height, with a flat roof design, should not have an overly detrimental impact on the setting of the Church. It is also considered by DCC that this would have a better relationship with the lower block, from a design quality perspective, presenting itself as a more sympathetically proportioned stepped building. DCC comment that in the absence of any detailed elevations and visuals, Officers are reliant on the precedent imagery provided in

the DAS as a means of communicating such design intent. While these images appear to suggest that it will be consistent with earlier visuals in the masterplan fly-through, DCC Officers do not feel that they can comment on this any further at this stage. They do comment however that given the apparent simplicity of the building, its success will lie in high-quality detailing and an appropriate selection of materials and that a simple but high-quality contemporary architectural response should make reference to the historic built environment and vernacular materials within the conservation area, particularly those along Corporation Street. They anticipate that this level of information will be fully developed at reserved matters application stage where there will be an opportunity to comment on this further.

- 5.6.18 As the proposal affects the setting of a grade I listed building, the statutory requirement to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account and given considerable importance and weight by the Council when making its decision. The Council should also take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. (paragraph 197 NPPF). The NPPF also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation (paragraph 199 NPPF). The more important the asset the greater the weight should be given and the significance of a heritage asset derives not only from its physical presence, but also from its setting. Significance can be harmed or lost through development within a heritage asset's setting and since heritage assets are irreplaceable any harm or loss to significance requires 'clear and convincing' justification (paragraph 200). Policy CLP21 of the adopted local plan reflects these national requirements and at para a) specifically to "*apply a presumption against development that would*

*unacceptably detract from views of St Mary's Church (the Crooked Spire) by virtue of its height, location, bulk or design."*

5.6.19 Historic England's Good Practice Advice in Planning Note 3: The Setting of Heritage Assets recommends a range of options to enhance the setting of heritage assets through new development as well as options to reduce the harm arising to the significance of a heritage asset through its setting. Amongst these recommendations are the following: -

- Removing or re-modelling an intrusive building or feature;
- Replacement of a detrimental feature by a new and more harmonious one;
- Introducing new views (including glimpses or better framed views) that add to the public experience of the asset;
- Improving public access to, or interpretation of, the asset including its setting.

In addition, the guidance notes that 'the design quality may be an important consideration in determining the balance of harm and benefit' (page 14).

5.6.20 It is clear that from every direction around the town that the Crooked Spire is a significant visual asset. The main key views affected by a redevelopment of the former hotel site are generally views from the northern side of the town and include from the Chesterfield Rail Station, Crow Lane, Brimington Road, the pedestrian route along Chesterfield Canal/Rother and from the A61. The topography of the town limits where the site and Crooked Spire can be seen together with no opportunity for any impact from the south or west. There will however be limited views from the approach to the town from the east along Hady Hill which need to be considered.

5.6.21 Appraisal of the topographical section through the town centre and site demonstrates that taller buildings could be accommodated in comparison to the scale in the town centre because the site sits substantially lower than typical levels in the town centre area. The ground floor level of the Crooked Spire sits at 98.75m AOD (OS



Datum 324.2ft) compared with a level of 75.5m AOD at Chesterfield Railway Station. The former Chesterfield Hotel has a level of 80.46m AOD (OS Datum on North Midland House of 264.4ft and spot level on OS of 264ft at the junction to the north east corner of former Station Hotel building). This demonstrates a significant level change ranging from approximately 23 metres difference between the station and church and approximately 18 metres between site and church ground levels.

#### Station Approach:

5.6.22 This is one of the key view points of the Crooked Spire as envisaged in the adopted Station Masterplan. For many years the Crooked Spire has been an important way-finding landmark from the station, especially for visitors to the town, and whilst it is clearly visible when emerging from the station building, it quickly became hidden as you walked towards Crow Lane and then up past the application site towards the town centre and did not become visible again until you had passed the former hotel building at the entrance to the A61 pedestrian footbridge. The Masterplan seeks to address this and frames the view of the Spire all the way along a new tree lined boulevard towards Corporation Street. The scale and mass of buildings illustrated on plots B and E either side of the new boulevard towards Corporation Street, as indicated in the Masterplan, are shown to be strategically massed to frame the Spire from the station in order that the key view to Chesterfield's principal heritage asset is retained.

5.6.23 Framing the Spire is a key objective of the adopted Station Masterplan and as the indicative diagram below and the birds eye perspective image from the Masterplan demonstrates this has been inherent in the design strategy from the outset. The layout of the buildings and positioning of the boulevard in plan form needs to be considered against the scale and massing strategy that ensures that the view from the station is not obstructed by the proposal on this site. The Masterplan states that the development on Plot E must be tiered in massing if the Spire is to be strategically framed. The last of the three images shows how the framing of the Spire

would be achieved without the Station Masterplan development as submitted with the documents supporting this application.





5.6.24

It is however necessary to consider the scenario whereby the new boulevard approach to the town from the Rail Station does not come to fruition such that the route would continue to be onto Crow Lane and over the existing A61 pedestrian footbridge to Corporation Street. The application site can be developed in isolation given that it is surrounded on all sides by highway. It is the case however that when emerging from the Rail Station building whatever the route is to the town centre area, the significance of the spire and other such landmark features as the tower of Stephenson's Memorial Hall as well as the Historic area of the town defined as a conservation area are clear to see. It is also clear that from the Station approach, whichever route is taken, the application site is very much in the foreground and generally seen against a backdrop of the town centre behind and that whatever is developed on the site will have the potential for an impact.



Google extract - View from Rail Station forecourt pre demolition

#### 5.6.25

It is considered that a development of a similar scale and mass to the former hotel building will encounter a similar relationship with the development proposals having regard to the impact of scale and massing on the views of the Crooked Spire and Conservation Area. In this respect the proposed scale and massing of the eastern half of the site at 3 to 4 storey will be no more harmful than the arrangement which has existed for the last hundred or so years with the Chesterfield Hotel building in place and which will provide a framing of the Spire when exiting the railway station. Indeed it is considered likely that there will be opportunity to widen the view of the spire since the hotel building was 3/4 storey with pitched roof and positioned right up to the site edge and highway boundary. It is suggested that a modern 3/4 storey building is likely to be less high than the historic 3/4 storey given modern building construction techniques. To the rear, south side of the site, facing the town centre area, the southeast building would appear as a 3 storey building facing Corporation Street and the Town Centre Conservation Area. This seeks to mitigate against potential harm by reducing the scale of the building to that similar of the massing of the former hotel building but also including a set back at the top storey, which will further mitigate potential impact. This also helps to mitigate against potential harm to the significance of the Grade II Listed North Midland House, again by reducing the scale of the building to that similar to the surrounding context. The 6 storey component would be the west half of the site adjacent to the rear section alongside the A61 bypass and would be a less significant component in the view from the Station forecourt. This part of the site is the least sensitive part with regards to the Town Centre Conservation Area. The photograph below shows the current view from the rail station building and which clearly shows the Crooked Spire, Stephenson Memorial Hall tower and the North Midland House in the foreground but which also shows the clearance site of the former hotel off to the right and which now following demolition reveals the 6 storey apartment building on Tapton Lane.





Whereas a new building on the site will sit closer to the Station and be a more significant presence in the view, it is considered that the impacts of the scale and mass of a building as proposed on the site on the view of the spire, and its setting, as perceived from the Rail Station will be no worse than what has existed for many years and the setting of the Crooked Spire will not be compromised in any significant way but will most likely be enhanced in the event that the masterplan boulevard is implemented and which will introduce a new direct focus line between the rail station and the Crooked Spire. The Crooked Spire will continue to be framed by appropriately scaled modern buildings as a part of the comprehensive redevelopment of this quadrant of the town.

#### Crow Lane:

##### 5.6.26

The Crow Lane perspective of both the Crooked Spire and towards the town centre was dominated by the former hotel building on the application site. This forms part of the current route from the Rail Station to the town centre. There was no real appreciation of the Crooked Spire or the Conservation Area from Crow Lane other than the tip of the spire which protruded above the roofline. As shown in the images below there was only a very limited glimpse of the top of the spire which it is suggested was not significant in the

view and that at the junction with Malkin Street the former hotel building on the site completely obscured any view of the Spire. It is the case that a new 3/4 storey building on the east side of the application site will most likely be lower than what previously existed and the proportion of the spire protruding above will be greater as a result.



Google extract – from Crow Lane rising up toward Rail Station entrance



Google extract – from junction of Station forecourt with Crow Lane



Google extract – from junction of Crow Lane with Malkin Street

#### 5.6.27

The western part of the site is proposed at a greater scale however such mass is to be broken up into components of single storey, 0-5

storey and 0-6 storey with the taller components at the back of the site alongside the A61. Given that the Crooked Spire and any real appreciation of the Conservation Area is not significant in views from this part of Crow Lane and that this will be at the lower end of any harm, this will not result in an significant adverse impact on the setting of the Spire.

- 5.6.28 Crow Lane approaches the town centre area from Brimington to the east however for the majority of the route the highway is enclosed between hedgerows such that there is no real opportunity to view the approaching town. There are however walking routes in the vicinity and where there are excellent elevated views of the town area. The attached image below is from the Trans Penine Trail at the entrance to Tapton Golf Course. Such views are however from distance and generally partly obscured by the landscape as shown in the photograph. Furthermore, the views are also from an elevated position which minimises the impact of the sites situated at a lower level, such as the application site, in the foreground when compared to the higher town centre area beyond. There would be views of the proposed scheme from this position however any building at the scale proposed will not compete or detract from the importance of the Crooked Spire or the other towers of the town centre area. The new building will add to the mix of modern replacement buildings which will sit below the town centre area as part of the comprehensive Waterside redevelopment and the Station Masterplan redevelopment areas.





5.6.29 Further down Crow Lane there is also a view accross the Piccadilly Road play area site where the Crooked Spire and Stevenson Memorial Hall tower are significant features as shown in the photograph below. This image shows the Rail Station platform and the 6 storey apartment building on Tapton Lane (which is on higher land than the application site). The application site is in line with this apartment building from this viewpoint and whereas there may be components of the building which may well be visible, the development at the scale proposed will not be significant in this view. The section closest to the Crooked Spire from this viewpoint is proposed to be no more than 3/4 storey and should therefore be below the rail station platform level. The parts up to 6 storey would be further to the right and views of the upper parts only may be seen above the station platform wall but would not be significant.



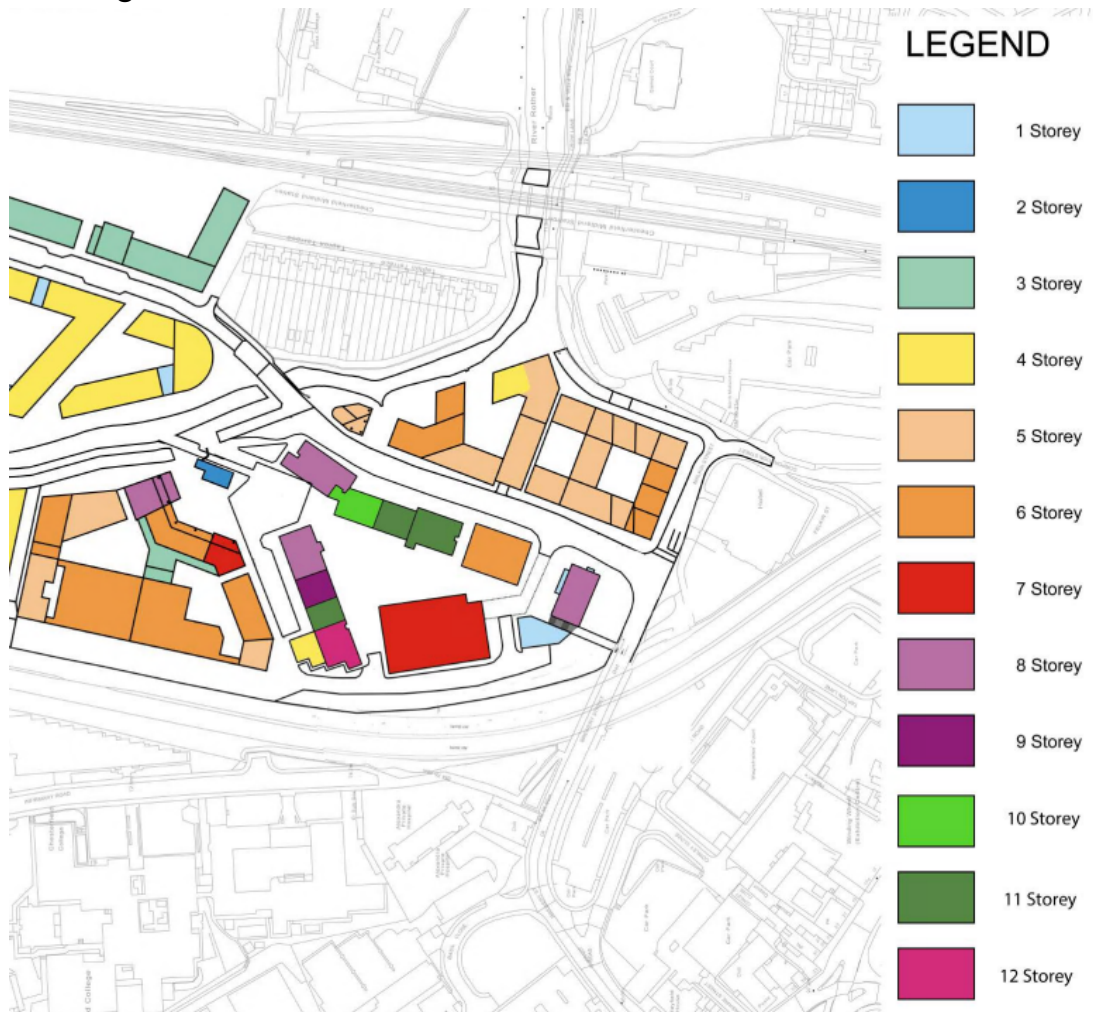
5.6.30 The new building will nonetheless be visible however given the viewpoint distance and the levels difference across the town as set out above the new building will not breach the skyline or interupt with any key views and subject to appropriate detail of the building, including materials, will not compromise the heritage setting of the Spire or town resulting in a level of harm which is of any significance.



### Brimington Road:

5.6.31

This is a key view on approach to the town as referred to by Historic England. This view will be a framed view and which will change as new buildings are constructed either side of Brimington Road on the Basin Square and Station Approach character areas as part of the agreed Waterside scheme. The first building (7 storey office) has already been erected. The Waterside scheme included a storey height plan as shown below and which accepted 5 and 6 storey buildings on the east side of Brimington Road up to and fronting Malkin Street opposite the current application site and buildings ranging from 6 to 11 storey on the west side of Brimington Road.



5.6.32

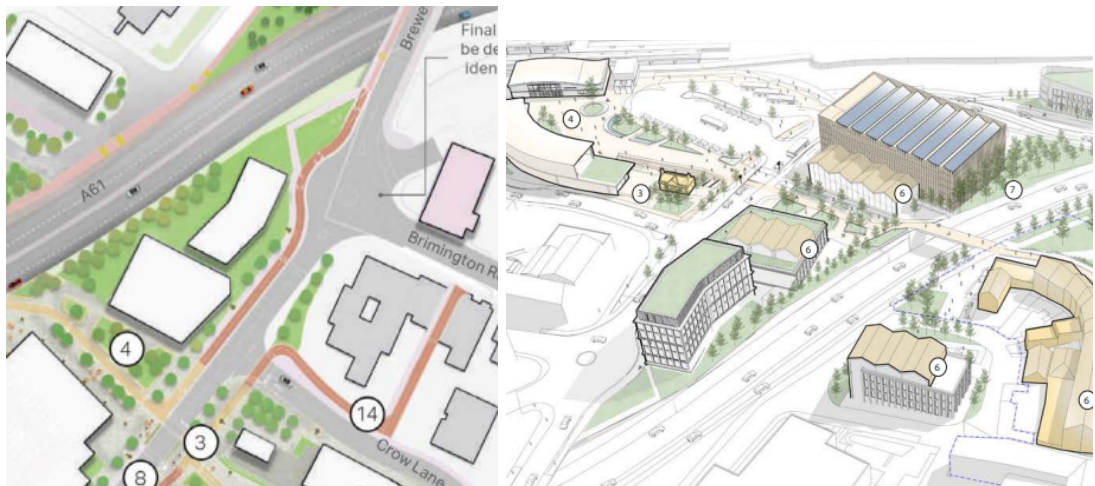
On approach to the town the Spire is generally framed as a result of its alignment to Brimington Road. The new office building

obscures views of the Spire from further back however closer to the town the building sits alongside the Spire framing the view. This is already agreed. Below is a series of 6 No photographs taken progressively along Brimington Road showing views of the Spire on approach to the town. These views are likely to change over time as a result of the Waterside development envisaged on all the land either side the highway. The photographs were taken earlier in the year before the hotel was demolished and it is the case that the Station Hotel site and former building were clearly not significant in the view. It is also the case that the mass of landscaping alongside the river fronting Tapton Terrace, and which is not affected by the Waterside scheme, also obscures views of the Spire on the approach.





5.6.33 Compared with what was shown on the adopted Station Masterplan the proposed scheme has been amended to break up and articulate the mass and scale of the western most half of the built form by stepping the heights so the scheme now proposes sections which will be at differing heights. The Station Masterplan also illustrated a positioning of the buildings on the site encroaching to the west to a point aligned with the west side carriageway edge of Brimington Road however the proposed plan indicates a lesser westerly positioning with the building line shifted east to maximise the separation between the taller elements of the scheme and the Spire. It is accepted however that siting is not being considered as part of this submission. Based on the submitted plans this is now part of the consideration of the scale of the proposed buildings.







5.6.34

It is also the case that currently as shown in the photograph below that the existing London Plane tree on the site completely obscures views of the Spire at the point where Brimington Road joins the mini-roundabout. The scheme proposes that the tree is removed and it is considered that this will reveal a view of the Spire at a key significant position/arrival point at the edge of the town centre. This photograph also shows the massing and scale of the existing 6 storey building on Tapton Lane to the right of the tree accepting that this is further away in the view of the Spire than the application site but is on land which is more elevated than the application site.



5.6.35 It is accepted that a redevelopment of the application site will have an impact when viewed from Brimington Road however the full detail of this cannot be established and considered until a reserved matters stage of the scheme. It is clear however that the scheme has been amended to accept a breaking up of the massing and scale of the intended buildings on the site whilst still providing the intended floorspace such that the framing of the key view of the Spire from Brimington Road will not be significantly adversely affected and the harm will be at the lower end of the scale. The opportunity arises within a detailed scheme to reduce the potential to overwhelm or dominate the Spire as the singular defining “tall” element in the skyline at this point. When travelling along Brimington Road, the proposed scale of the intended development will sit lower in the skyline and there will be a distinct visual separation between the proposed development and the Spire. The development of the site will appear as part of the already accepted wider Waterside redevelopment area and will become part of the town which is being comprehensively redeveloped. It is considered that the scale of the building as indicated as part of the application are acceptable with the prospect for an acceptable scheme coming forward at the reserved matters stage.

Canal/River Corridor:

5.6.36 The pedestrian route along the canal and river corridor provides glimpses of the Spire however this is rarely seen in the context of the application site since the route is largely treed. There is also an appreciation of the historic nature of the town centre area which is sat on top of the ridge line with the landmark features of the Spire and building towers protruding above. There are wider views of the town centre area from near to Tapton Lock bridge however these are some distance away and the impact of the development on the site is unlikely to feature in any significant way upon those views. The main changes have been the housing development on the Waterside site and the new routes which have been created on a north /south axis and which also provide framed views of the Spire.

5.6.37 The photograph below left shows a view of the Spire from the A61 footbridge but which also shows the new 7 storey office building on Brimington Road. The application site is not visible and it is also likely that when development of the parcel in the foreground takes place (as part of the Waterside scheme) then the views will also be affected. The photograph on the right is a glimpse of the Spire from the riverside footpath.



5.6.38 It is not considered that the proposed development will have any significant adverse impacts or harm for users of the Canal and riverside footpaths in so far as the setting of the Spire or the town centre Conservation Area is concerned.

A61 bypass:

5.6.39 There are distant and approaching views of the Spire when travelling towards the town along the A61 bypass. These views can be seen in relation to the 7 storey office block on Brimington Road however views of the site are generally screened by landscaping. When the site comes into view, the A61 is in a channel and it is not possible to appreciate the site and the Spire or the conservation area together and on this basis it is not considered that the

proposed development will have any significant adverse impacts or harm for users of the A61 bypass in so far as the setting of the Spire or the town centre Conservation Area is concerned.



Hady Hill:

5.6.40

As shown in the photograph below there are limited distant views of the town centre and Spire when travelling towards the town along Hady Hill from the east and which also include views of the area of the site. The photograph shows the new 7 storey office block however the application site would be screened by the landscaping block. Any building on the site, at a height no greater than the new office building, would not it is considered compete with the dominance of the Spire which along with the Stephenson Memorial Hall tower and Winding Wheel flue are the only features of the town breaking the skyline. The impact of development on the site will not be significant or create any harm in any views from Hady Hill.





- 5.6.41 It is concluded that the development of the site has the potential to have impacts on the setting of heritage assets however given the assessment above the harm is considered to be less than substantial.
- 5.6.42 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The site has been vacant for a number of years and had deteriorated due to neglect and vandalism. It is now a demolition site. It is a site positioned at the gateway to the town from the train station and gives a first impression of the town to visitors arriving by train. Consideration was given to conversion however the internal compartmentalisation and levels and the condition of the building proved to be a deterrent. The Council and Prestige Hotels Ltd pursued demolition of the building on the site in line with the adopted Station Masterplan so that a redevelopment could follow and which reflecting the Station masterplan aspirations. The Chesterfield Growth Strategy 2019-23 identifies the Station Masterplan area as a key priority for the Borough, enabling the Council to unlock significant commercial and residential development in the local area. The Growth Strategy identifies the Station Masterplan area as a vibrant gateway with improved connectivity to the town centre and that delivery of this scheme will be an important first step in realising the Masterplan ambitions and help to build confidence in the market and to stimulate development activity within the area. This will bring about public benefits through increased private and



public investments. Such development will inevitably change the appearance of the site but with a modern building/s which will be a part of a comprehensive development of the local area and which will contribute to the interconnectivity between the rail station and town centre, provide improved economic potential and improved user experience of both the building and the walking route between the rail station and Corporation Street. There will be social benefits through the delivery of new jobs at the construction stage and in the building post development. The applicant has indicated that the intention is to develop a gateway scheme with active frontages and which will be of quality. The proposal will support high quality development and as a result of the connection between the rail station and the town centre up Corporation Street will link to the investment in the Stephenson Memorial Hall and the public realm enhancements being delivered through the Levelling Up Fund – Revitalising the Heart of Chesterfield programme in the town centre. This would all contribute to the benefit for the public of Chesterfield and visitors to it, especially for those arriving by train. It is concluded that the site has the potential for the development which has been applied for without causing significant adverse impacts on the setting of the local heritage assets, such as the Crooked Spire and also on the setting of the Town Centre Conservation Area and the level of harm would be at the lower end of the less than substantial spectrum and would be outweighed by the public benefits referred to above.

- 5.6.43 The comments of those consultees referred to above have been fully considered and taken into consideration. Given that the application is submitted in outline with all matters reserved apart from scale, any considerations in respect of layout, access, appearance and detail will all be considered at a later application stage. It is noted that the Civic Society have been critical of the studies which accompany the application, however these have been accepted as reaching appropriate conclusions by the specific consultees such that greater weight is afforded to the advice provided in respect of the matters raised.

5.6.44 Taking into consideration all of the advice which has been provided in respect of heritage it is considered that the application submitted has due regard to the potential impact of the development upon the setting of nearby heritage assets. It is considered that notwithstanding the outline nature of the submission that an appropriate form of development can be accommodated on the site without adversely harming the setting of nearby heritage assets. Due consideration to the scale of the proposal as sought has been given and how the development will assimilate into its surroundings. Overall on balance it is considered that the level of harm would be at the lower end of the less than substantial spectrum and would be outweighed by the public benefits and the principle of the development is therefore acceptable having regard to heritage matters.

## 5.7 **Highways Issues**

### **Relevant Policies**

5.7.1 Local Plan policy CLP20 expects development to '*g) provide adequate and safe vehicle access and parking;*' and '*h) provide safe, convenient and attractive environment for pedestrians and cyclists*'. For full wording of policy see the Chesterfield Borough Local Plan 2018 – 2035.

5.7.2 Local Plan policy CLP22 details the requires '*To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will seek to maximise walking, cycling and the use of public transport through the location and design of development and parking provision*' and seeks '*e) provision of opportunities for charging electric vehicles where appropriate.*' For full wording of policy see the Chesterfield Borough Local Plan 2018 – 2035.

### **Considerations**

5.7.3 Having regard to the nature of the application proposals, this is an outline application with access details reserved for approval at a later date. Consideration of the development proposals in highway terms is therefore limited to the principle of development and its potential hypothetical highway impacts.



5.7.4 The indicative plan above is based on the highway solution set out in the Station Masterplan whereby a new link road from Hollis Lane connects to the Rail Station forecourt and through the gap to the south of the North Midland House listed building to the mini roundabout at the head of Brimington Road. This slices the corner of the application site fronting Malkin Street where there is a highway improvement line in place as shown. The submitted scheme takes full account of the highway improvement line across the site. The indicative plan indicates a vehicular access to the site from Malkin Street in approximately the same position as the existing site access.

5.7.5 The Highway Authority comment that to fully appraise the impact of the proposal on the surrounding highways, it is expected that a transport assessment (TA) or transport statement (TS) should be submitted and they proceed to set out what such a document should include and assess regarding traffic and highways impact. Reference is also made to the fact that the site sits adjacent to the rear of a large highway retaining wall and the developer will need to submit detailed technical documents showing that the highway

wall won't be affected by the proposals. It is considered that conditions can be imposed on any outline permission granted which seek to require this level of detail in connection with subsequent reserved matters submissions to satisfy the Highway Authority.

5.7.6 The application is accompanied by a Travel Plan by Aecom. The Highway Authority state that all stages of the development, consideration of the Chesterfield Station Masterplan should be borne in mind to ensure coordination, and optimisation of potential for access via sustainable modes and that this includes consideration of the Chesterfield Cycle Network. The Highway Authority comment that EV charging points will need to be provided for staff and visitors and the closest bus stops on Brewery Street should be upgraded to include lighting, raised kerbs, shelters, timetable cases, bus stop markings and real time information where feasible. The Highway Authority also make comment under the Travel Plan regarding cycle provision on site, walking opportunities and initiatives linked to bus and rail transport. They comment that in the event of a S106, that a Travel Plan Monitoring fee of £1,015.00 pa x 5 years, total £5,075.00 should be sought.

5.7.7 The Chesterfield Civic Society has commented on the Highway Authority response suggesting that the highway engineers at County Hall are operating in a fantasy world in which residents of Chesterfield are to be forced to cycle everywhere because it is good for them. They need to be told that most people who live or work in Chesterfield, or travel into or out of the town for shopping or leisure, do not wish to cycle. They wish to continue using the mode of transport of their choice, whether that be to walk, to drive in their own car, take a bus or taxi, or even cycle. The Civic Society suggest that rather than construct elaborate plans telling people how they should get to the new building, it would be simpler to allow what happened in the past when there were no traffic jams around the hotel.

### 5.7.8

Transition Chesterfield and the Chesterfield Cycle Campaign express concern that the application makes no reference to the station masterplan objectives of being 'an accessible central location that could reduce the need to travel by car' and that the 'local plan seeks to prioritise pedestrians, cyclists and public transport in terms of how the area works'. They comment that the application proposes a vehicle entrance across a major pedestrian and cycle route along Malkin Street and make comment regarding the proposed arrangements for pedestrians under the Station Masterplan. The Cycle Campaign comment that the south side of Malkin Street has a two way segregated cycle path (and pedestrian footway) proposed on the station masterplan and the application appears to ignore that and simply refers to the present highway layout. The Cycle Campaign comment that during their discussions with the forward planning team about cycling infrastructure for the station masterplan they suggested a better place for the vehicle entry for the site would be off the bus lay-by however this appears to have been ignored. Such a prominent site should take into account what is proposed in the immediate area. Reference is made to anticipated difficulties for pedestrians having to negotiate numerous road junctions and cycle lanes between the rail station and college and from Brimington Road to the rail station commenting that the development will worsen the situation for pedestrians and cyclists by introducing a large number of vehicle movements across a strategic walking and cycling route. Transition Chesterfield comment that either the access arrangements for this development are changed and/or alternative access for pedestrians/cyclists should be provided as follows:

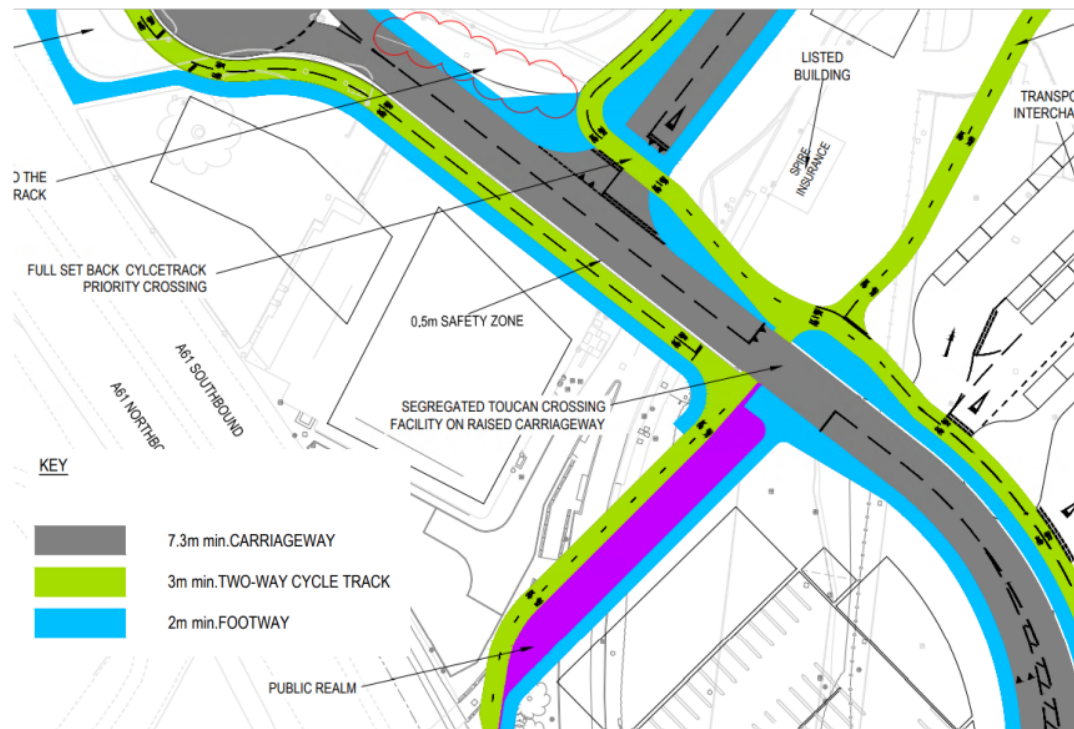
1. a Copenhagen style zebra crossing across Crow Lane (or make it shared space for pedestrians/cyclists/vehicles) and introduce a dedicated walking route between Crow Lane and Brimington Rd.
2. a Copenhagen style zebra crossing on Brimington Rd where the route above emerges, to allow pedestrians/cyclists to cross safely onto the West side of Brimington Road.
3. From the West side of Brimington Rd provide safe segregated walking/cycling links into Waterside and onwards to Chesterfield College.

The Cycle Campaign comment that if people are going to be encouraged to use cycles for local transport there has to be a network of continuous, safe cycle routes. In objecting to the application the Cycle Campaign say that the railway station area (including the site) is crucial to a connected network and any development must take that into account.

- 5.7.9 Transition Chesterfield comment that there is no information on vehicle trip numbers this new building will generate, but a new 6 storey hotel or residential building is likely to generate considerable numbers of car trips. A detailed transport assessment will be needed to assess the traffic impact and ensure that pedestrians and cyclists are given priority over cars and motorised traffic. They also comment that the generic Travel Plan included is a meaningless document, destined to be never implemented or checked. They also comment that the buildings have no fixed use and could be anything from a hotel to residential or office use. This means that there will be considerable construction ongoing for many years as the building gets refurbished and refitted, adding to the traffic on Malkin St.
- 5.7.10 The Trans Pennine Trail Partnership comment on the Travel Plan document and plans and that the alignment for walkers and cyclists runs to the north of the development site along the north side of Malkin Street and that this section of the TPT is also part of the National Cycle Network. They comment that the Design & Access Statement makes no reference to the TPT / NCN being directly to the north of the site yet this route provides a vital connection between Chesterfield into Sheffield and Rotherham and reference should be incorporated with the documentation. The proposed site plan indicates a parking area but does not specify cycle parking however the TPT accept that cycle parking is noted in the revised Travel Plan. Reference is made to the vehicle entrance point off Malkin Street but that it is not shown how cyclists are accommodated to safely cross. The Partnership comment that there is only one reference in the Travel Plan to the Railway Station Masterplan which includes improvement to sustainable

transport infrastructure and that it is not mentioned in the Design & Access Statement. They comment that it is imperative that this development correlates to the intended improvements as part of the Station Masterplan to ensure sustainable transport users are fully considered.

5.7.11 The application is an outline submitted and matters such as design, layout and access are all reserved for approval at a later date. Nonetheless, an illustrative Access and Movement Plan has been provided and the principles it sets out should be considered, particularly in regard to the masterplan proposals for improvements to the walking and cycling environment set out in the masterplan.



The adopted Station Masterplan promotes the solution set out in the diagram above however it is necessary to consider both the options of development of the site with and without such infrastructure being provided.

5.7.12 As referred to above this site is surrounded on all sides by highway and in that respect can be developed in isolation of other sites in the wider area. The illustrative plan reflects the space required for the improvements in the layout of the site including the land

required for the new link road shown in the extract drawing above. If the development proceeds in advance of the infrastructure changes promoted in the Station Masterplan the development can still be accessed from Malkin Street as existing and traffic can access the network to Brewery Street, Brimington Road, Crow Lane and the bypass slip road in the same way as present. In the event that the new link road is connected across the frontage of the site to Malkin Street then the development is set back to take account of this. There would be an access to the site across the new pedestrian and cycle route running alongside the site however it is considered that this would be unavoidable unless a car free scheme were developed. It is considered that such an access should be more of a site access crossing rather than a kerbed road access and should be designed more as a crossing rather than a kerbed junction and which can take account of the pedestrian and cycle network. The Cycle Campaign alternative suggestion of accessing the site from the bus layby would not resolve this issue as shown in the diagram above and which would still have to cross the pedestrian and cycle route but at a more awkward location where busses are also turning.

- 5.7.13 The Transition Chesterfield comments that there will be considerable construction ongoing for many years as the building gets refurbished and refitted, adding to the traffic on Malkin Street represents a misunderstanding of the proposal which is for a new build re-development of the site rather than a conversion. There will nevertheless be a traffic impact which will need to be taken into consideration.
- 5.7.14 It is accepted that for a location such as this, close to an existing centre and with excellent public transport links there is the opportunity to create a car free development, and this is the assumption upon which the masterplan (and its associated transport assessment) was based. Parking would be provided in either the temporary surface car park areas around the site pre-infrastructure provision as envisaged in the Station Masterplan or in the MSCPs to be provided as part of the Station Masterplan and



Waterside schemes. It is considered however that if the owner considers it necessary to have some limited parking and servicing on site, details of the access to it to safeguard pedestrians and cyclists can be required as a part of the Reserved Matters submissions. It is agreed that it will be necessary to prioritise the walking and cycling route over vehicle movements in its design and positioning, in order to meet the requirements of Local Plan policy CLP22 and as referred to by those responding to the consultations above. It is accepted that the development should deliver as much of the improvements shown in the masterplan as possible although, bearing in mind that this will involve significant highway realignment it may not be possible to deliver the full extent of these measures until the complete infrastructure scheme is agreed by the Highway authority for implementation. The Cycle Campaign and Transition Chesterfield comments relate to connectivity issues generally regarding the Station Masterplan implementation and that this development may contribute to the difficulties. Whereas the application needs to take account of proposals in the vicinity there are no guarantees and there is the scenario that the development takes place without the Station Masterplan changes. Resolution of the connection between the college and the station for example cannot be solved in this application however as a minimum the development should not prejudice the intended improvements and provision and future reserved matters for access and design and layout should include full details of the boundaries around the site including the treatment of the pavement adjacent to the development.

5.7.15 Reference is made to the uncertainty of the uses and quantum to be included within the scheme. This is not unreasonable at this stage and, subject to the planning policy limitations which need to be applied, this level of detail will not be known until the reserved matters stage. It is the case however that the building will not be all residential but there may be a limited number of units appropriately located in the scheme to add to the mix and to viability. At the reserved matters stage it will be possible to judge the traffic impacts and information on expected traffic flows which will be

provided. It is accepted that the whole building could be office as that has already previously been accepted and it could all be hotel as was the building on the site pre demolition.

5.7.16 The Travel Plan sets out a series of specific measures to be undertaken to encourage the use of more sustainable forms of travel and the implementation of the measures included should be secured by planning condition to be included with the Reserved Matters. Policy CLP22 requires that any car parking should include provision to charge Electric Vehicles in at least 10% of spaces. Secure, covered cycle parking should also be provided on site for cycle parking equivalent to at least 10% of the total car parking spaces and conditions will need to be applied requiring details of both of these to be provided with the relevant reserved matters submissions.

5.7.17 Having regard to the matters raised by the consultees as referred to above it is considered that they can be suitably addressed as part of the submission of the reserved matters, should outline planning permission be granted given that access is reserved and the details of the final use unknown at this time. Given the sustainable location of the site the principle of the site being redeveloped for the uses and quantum as applied for is considered to be acceptable in highway terms and it is considered that the site will be able to achieve an appropriate site access arrangement and parking provision which takes account of the safety of pedestrian, cyclist and vehicular traffic. The issue of scale of the buildings does not create a specific highways issue. Given the sites town centre location it will be necessary to ensure that any such development proposals secure alternative sustainable travel options. It is considered that the proposal will not generate severe highway impacts and is acceptable in so far as the requirements of policy CLP20 and CLP22 of the Chesterfield Local Plan.

## 5.8 **Land Condition** **Relevant Policies**

- 5.8.1 Local Plan Policy CLP14 states that: *'Unstable and Contaminated Land Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use and shall include:*
- a) a phase I land contamination report, including where necessary a land stability risk assessment with the planning application; and*
  - b) a phase II land contamination report where the phase I report (a) indicates it is necessary, and*
  - c) a strategy for any necessary mitigation and/or remediation and final validation.*

*A programme of mitigation, remediation and validation must be agreed before the implementation of any planning permission on contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions.* For full wording of policy see the Chesterfield Borough Local Plan 2018 – 2035.

- 5.8.2 Paragraph 183 of the NPPF states that *'Planning policies and decisions should ensure that:*
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
  - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
  - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*

### **Considerations**

- 5.8.3 Having regard to the provisions of policy CLP14 of the Local Plan and the NPPF the application is supported by a Coal Mining Risk Assessment (CMRA) as required by the Coal Authority.

5.8.4 Initially the Coal Authority raised objections as no Coal Mining Risk Assessment had been submitted however this was addressed in the CMRA by Eastwood & Partners Consulting Engineers. Having reviewed the available coal mining and geological information the Assessment concludes that there is a potential risk posed by past coal mining activity and therefore recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy. The Coal Authority comment that intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development as a whole and inform any remedial works and/or mitigation measures that may be necessary.

5.8.5 The Coal Authority withdrew its previous objection and recommend imposition of the following conditions:

1. No development shall commence until; a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and; b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the development being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or

mitigation necessary to address the risks posed by past coal mining activity.

- 5.8.6 It is agreed that in order to address any outstanding matters in respect of potential coal mining legacy, the suggested Coal Authority conditions can be imposed on any consent granted and this will secure compliance with policy CLP14 of the Local Plan and the wider requirements of the NPPF.
- 5.8.7 With regard to noise impacts the Councils Environmental Health Officer (EHO) comments that to minimise noise impacts on nearby residents, construction work shall only be carried out between the hours of 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 1:00 pm on a Saturday and that no construction work shall not be carried out on Sundays or Public Holidays. The EHO also comments that if residential accommodation/flats is included as part of a more detailed application, the applicant will need to carry out a suitable noise assessment as the site is located near to a busy road and railway station and that if residential accommodation/flats and retail and/or sale of food are included in the detailed scheme, the applicant will need to give consideration to noise conflicts and will need to carry out a suitable noise assessment (such as BS4142) and/or consider locations of refrigerator units etc. The EHO also comments that should retail be proposed then the opening hours and delivery hours must be restricted.
- 5.8.8 The protection of nearby neighbours is a material consideration however it is considered in this case that the nearest neighbours on the other side of the A61 by pass on Corporation Street are unlikely to be significantly affected by such redevelopment of the site and it is considered that an hours restriction is not considered necessary or reasonable. In relation to the protection of proposed residents from any local noise issue this will need to be explored on any reserved matters submission through assessment given proximity of the site to noise generators in the A61 by pass and the rail station and this can be secured by condition. It appears that

residential units close to the bypass side of the site may not be appropriate. Conditions can also be imposed which require detail of any refrigeration or air conditioning units which may be needed in connection with the various uses which may form the subject of the reserved matters scheme. There appears however to be no legitimate planning reason why there needs to be a limit on the opening hours and delivery hours of any retail component.

5.8.9 The EHO comments that all lighting used on site shall be designed so as to control glare and overspill onto nearby residential properties. Furthermore, should the applicant consider a food premises at the reserved matters stage, a detailed plan of the extraction system will be necessary. The EHO also referred to the need for Electric Vehicle Charging Points to be installed as part of the drive to achieve reduced emissions and that any residential use in the scheme will need to be supported by a suitable air quality assessment as the site is located near to a busy road and railway station. The EHO comments that the proposed location is within an area of Chesterfield that could be affected by land contamination and should planning permission be granted then the developer should ensure the site is suitable for use. A condition is recommended.

5.8.10 It is considered reasonable and necessary to impose conditions requiring detail of lighting, any extraction system, electric vehicle charging points, air quality assessment and to deal with potential site contamination. Like with the noise issue the air quality assessment necessary may well result in a limitation on any residential units on the side of the site closest to the A61 corridor.

## 5.9 **Flood Risk / Drainage**

### **Relevant Policies**

5.9.1 Local Plan policy CLP13 states that *'The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere.'*

*Development proposals and site allocations will:*

*a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;*

*b) be directed to locations with the lowest impact on water resources;*

*c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.*

For full wording of policy see the Chesterfield Borough Local Plan 2018 – 2035.

## **Considerations**

- 5.9.2 Having regard to the provisions of policy CLP13 of the Chesterfield Local Plan the application submission indicates that the development proposals are most likely to be connected to mains sewers. The site is also not shown to be at risk of flooding, according to the Environment Agency Flood Maps.
- 5.9.3 In connection with the above, the application submission has been reviewed by the Council's Design Services (DS), Yorkshire Water (YWS) and the Lead Local Flood Authority (LLFA) at Derbyshire County Council. It is confirmed that the site is not at risk from flooding.
- 5.9.4 DS comment that they would like to see details of how the developer intends to dispose of surface water from the site and this should be developed with separate systems of drainage. Surface water runoff will need to be reduced in line with DEFRA standards however the Flood Risk Assessment (FRA) indicates that the site is unsuitable for infiltration drainage due to anticipated poor porosity properties of the bedrock geology and evidence in the form of percolation tests in accordance with BRE Digest 365 will be required as part of the reserved matters if this was being promoted as part of the solution.
- 5.9.5 YWS raise no objection to the scheme commenting that 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:

1. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed. (In the interest of satisfactory and sustainable drainage)
2. 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)

5.9.6 The LLFA confirm they have no objection subject to conditions below:

1. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within the Flood Risk and Drainage Assessment.
2. Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.



3. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

5.9.7 Given that the application is only being considered in outline at this stage, the final details of drainage are yet to be determined. The issue of scale is not relevant to any drainage issue. Notwithstanding this, given the sites former use there is likely to be drainage infrastructure available within the vicinity of the site for any new development proposals to connect to. The details of any proposed drainage strategy can be secured through the imposition of planning conditions as referred to above.

## 5.10 **Ecology / Biodiversity**

### **Relevant Policies**

5.10.1 Local Plan policy CLP16 states that *'The council will expect development proposals to:*

- *avoid or minimise adverse impacts on biodiversity and geodiversity; and*
- *provide a net measurable gain in biodiversity'*

5.10.2 The NPPF also requires net gains in biodiversity (paragraph 174 d).

### **Considerations**

5.10.3 Having regard to the provisions of policy CLP16 of the Chesterfield Local Plan the site is located in an urban area and given the sites current characteristics as a demolition site there are limited attributes to support ecology / biodiversity at present. There is a mature tree located in the car park to the north west of the building

which is not protected and this is intended to be removed to make way for the redevelopment of the western half of the site.

- 5.10.4 Under the provisions of policy CLP16 of the Local Plan 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). Whilst the end form of development is not up for consideration at this stage, an assessment of the current value of the site will need to be undertaken to establish a baseline and a strategy for achieving a net gain condition to be provided at reserved matters stage.
- 5.10.5 The Derbyshire Swift Conservation Project request that an outline planning consent for the above-mentioned development includes a requirement for multiple internal nest sites for Swifts as a biodiversity enhancement. Installing integral swift bricks would contribute to these objectives and demonstrate a commitment to enhancing biodiversity. This request is of particular relevance to the red-listed House sparrow and the amber-listed Swift (expected to be red-listed in 2022). Both species are undergoing major declines caused mainly by the loss of nesting sites on existing buildings due to re-roofing and replacement of soffits and fascias. Swifts, for example, have experienced a catastrophic decline of over 60% in the last 20 years. Both these species readily use Swift bricks when these are integrated into new developments. Integration of Swift bricks is very easy to include into routine building practices and results in a permanent, discrete, inexpensive, maintenance-free biodiversity enhancer which will provide much-needed breeding spaces for declining species of birds.
- 5.10.6 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 policy CLP16 of the Local Plan. This can include consideration towards accommodating swift bricks and an informative can be added to any permission granted.

- 5.10.7 Transition Chesterfield (TC) comment that the only tree on site is due to be felled however the developers suggest there is “potential to greatly improve biodiversity” eg through use of green roofs. They comment that green roofs would be welcomed though we doubt that they will actually be implemented and maintained unless this is formally included in any planning conditions. TC comment that there is space for tree planting on the pavements surrounding the buildings, and the Station masterplan makes reference to ‘tree-lined boulevards’. Given the need to plant additional trees for carbon capture and urban cooling as well as biodiversity they suggest that the application should aim to plant more trees, particularly ones that provide a food source for pollinators.
- 5.10.8 The tree on the site (London Plane) has been assessed by the Councils Tree Officer and it has been concluded that it could not be retained if the quantum of development and scale of buildings as proposed is accepted. The root plate of the tree is completely covered by impermeable car park tarmac surface and which limits its viability however as referred to earlier in the report, whilst the tree is currently a significant visual presence in the view when approaching from Brimington Road, its removal also opens up key views of the Crooked Spire. It is accepted that compensatory landscaping can be secured as part of a reserved matters scheme.
- 5.10.9 In terms of removal of the tree and the issue of impact on Climate Change it is clear that cutting down a tree has little if any impact on carbon emissions, but it is clear that once a tree is cut down it no longer has the ability to store any additional carbon. However, the way in which the tree is used following its felling impacts on the rate of release of the carbon held within the tree. For example, if a

tree is left to rot in a natural way, or if the timber is used to make a long lived product (eg for joinery) the carbon stored in the tree will not be released or be released slowly over a considerable period of time. Chipping or burning the tree will release the carbon much more quickly (chipped wood rots much more quickly). Such emissions can be offset by planting more trees to ensure that the rate of carbon uptake is broadly equivalent to the rate of emission (ie slowing the emission as much as possible). On this basis it is considered that in order to minimise the carbon release from the felled tree, a condition can be added into the recommendation to agree a scheme in relation to the use of the timber from the felled tree in order to reduce the speed of the carbon release.

## 5.11 **Other Considerations**

5.11.1 Community Infrastructure Levy - The development falls in to the medium CIL Zone for residential development, currently charged at £57.81 per sqm GIA however any floorspace used for retail (use falling into the former A1 to A5 use classes, covering the proposed uses E(a), E(b) and Public house/bar/drinking establishment) would be charged (currently) at £92.50 per sqm GIA. Relief is available for affordable housing provided on site but not for any equivalent commuted sum. As an outline application, the final CIL liability will be calculated when considering the relevant reserved matters, taking into account any specific conditions that may limit the amount the floorspace to be used for liable uses.

## 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 24<sup>th</sup> June 2021 and by advertisement placed in the local press on 1<sup>st</sup> July 2021 and by neighbour notification letters sent on 28<sup>th</sup> June 2021 and again on 16<sup>th</sup> September 2021.

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 2<sup>nd</sup> October 2000, an authority must be in a position to show:

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

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

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

7.4 Whilst the development has the potential to affect heritage matters, on balance this can be weighed against the public benefits and it is concluded that this is not so harmful in planning terms. Any additional control to satisfy the 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 and close to the rail station 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 CLP1 and CLP2 of the adopted Local Plan. The proposed redevelopment of the site for the mix of intended uses is considered to be acceptable however given current freedoms to change within use classes and in the absence of any sequential testing there is a need to limit the uses to those applied for and to limit the cumulative quantum of floorspace intended for town centre uses.

9.2 The development is served by an existing highway network however an alternative highways solution is promoted in the adopted Station Masterplan and any reserved matters submissions will be required to demonstrate the scheme works in pedestrian, cyclist and vehicle highway safety terms whichever highways solution is being promoted. A scheme can also secure compliance with policies in respect of amenity and neighbouring impacts.

9.3 Taking into consideration all of the advice which has been provided in respect of heritage it is considered that the application submitted has due regard to the potential impact of the development upon the

setting of nearby heritage assets. It is considered that notwithstanding the outline nature of the submission that an appropriate form of development can be accommodated on the site without adversely harming the setting of nearby heritage assets. Due consideration to the scale of the proposal as sought has been given and how the development will assimilate into its surroundings. Overall it is considered that the less than substantial harm is off set by the public benefits arising from the development and the principle of the development is therefore acceptable having regard to heritage matters. It is accepted that further assessment will be vital through the reserved matters scheme which follows.

9.4 Where it is appropriate planning conditions have been imposed to address technical matters arising from the considerations of this application and 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, 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.*

#### Agreed Plans

04. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment or specific condition set out below. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
- Site Location Plan – CHE-MAB-ZZ-ZZ-DR-A-00101 rev P01
  - Existing Site Plan – CHE-MAB-ZZ-ZZ-DR-A-00102 rev P04
  - Proposed Site Plan – CHE-MAB-ZZ-ZZ-DR-A-00103 rev P04
  - Illustrative Building Heights – CHE-MAB-ZZ-ZZ-DR-A-00104 rev P04
  - Illustrative Use Types – CHE-MAB-ZZ-ZZ-DR-A-00105 rev P05
  - Illustrative Access and Movement – CHE-MAB-ZZ-ZZ-DR-A-00106 rev P04
  - Illustrative Street Activation – CHE-MAB-ZZ-ZZ-DR-A-00107 rev P04
  - Proposed Site Phasing Plan – CHE-MAB-ZZ-ZZ-DR-A-00115 rev P02



*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.*

## Uses

05. Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987 (or any Order revoking and/or re-enacting that Order), the uses hereby agreed shall be restricted to:
- C1 Hotel;
  - C3 Dwellings;
  - E(a) - for the display or retail sale of goods, other than hot food, principally to visiting members of the public;
  - E(b) - for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises;
  - E(d) - for indoor sport, recreation or fitness;
  - E(f) - for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public; E(g)(i) – office;
  - F1(e) - as a public hall or exhibition hall;
  - Sui Generis - maker space;
  - Sui generis - public house / bar / drinking establishment.

*Reason: to accord with the sequential approach to town centre uses as set out in paragraph 87 of the NPPF and policy CLP9 of the adopted Local Plan*

06. No more than 500sqm of cumulative floorspace (Gross Internal Area) of the building/s across the application site shall be used for any combination of the following uses:
- E(a) - for the display or retail sale of goods, other than hot food, principally to visiting members of the public;

- E(b) - for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises;
- E(d) - for indoor sport, recreation or fitness;
- E(f) - for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public;
- F1(e) - as a public hall or exhibition hall;
- Sui Generis - public house / bar / drinking establishment.

*Reason: To accord with the requirements of Paragraphs 87 and 90 of the NPPF and policy CLP9 of the adopted Local Plan*

07. The cumulative total of residential units across the site shall be limited to no more than 9.

*Reason: To accord with the requirements of Policy CLP 3 of the adopted Local Plan which would require a planning obligation requiring a contribution in kind or in the form of a commuted sum on any development of 10 or more dwellings.*

### Drainage

08. 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.*

09. No development shall take place on any phase of the development until a detailed design and associated management and maintenance plan of the surface water drainage scheme for the complete site, in accordance with the principles outlined within the Flood Risk and Drainage

Assessment has been agreed in writing by the local planning authority.

*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.*

10. 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 for any phase of the development is proposed to a public sewer, the information provided shall include:-
  - 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.

*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.*

11. Prior to commencement of any phase of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase and which shall be maintained as such for the duration of the construction phase.

*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.*

12. Prior to the first occupation of any phase of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved by the Local Planning Authority. The verification report for each phase shall demonstrate that the drainage system has been constructed in accordance with the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

*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

13. 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 approved 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.*

14. Where the findings of the intrusive site investigations (required by condition 13 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.*

15. Prior to the development being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

*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.*

16.
  - a) Prior to work commencing on any phase of the application site a detailed scheme for the investigation and recording of contamination and a report for that phase shall have been submitted to and approved in writing by the Local Planning Authority;
  - b) Prior to works commencing on each phase of the site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such

contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;

c) For each part or phase of the development, 'Contamination Proposals' relevant to that phase or part shall be carried out either before or during such development as appropriate;

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;

e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';

f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: This pre commencement condition is required in the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with Policy CLP14 of the Adopted Local Plan.*

### Electric Vehicle Charging Points

17. The Reserved Matters applications for each phase of the development shall accommodate Electric Vehicle charging points (EVCPs) to be provided on site at a rate of at least 10 percent of the car parking spaces being provided on the site. The Charging points shall be available for use concurrent with the first use of the building hereby approved and which

shall thereafter be retained and maintained operational for the lifetime of the development.

*Reason – In the interests of reducing emissions in line with policies CLP22 of the Chesterfield Local Plan.*

### Cycle Parking

18. The development shall accommodate provision for cycle parking on the site and full details shall be submitted to local planning authority for consideration as part of the reserved matters submission. The details submitted shall show facilities for showering and changing as part of each reserved matters submission. The details agreed in writing shall be implemented on site and shall be available concurrent with the first occupation of each phase of the new building and shall be retained as such thereafter.

*Reason – to provide alteration to modes of transport to maximise cycling in accordance with adopted Local Plan policy CLP22.*

### Travel Plan

19. The reserved matters submissions for each phase of the development shall include an updated travel plan assessment setting out actions and measures with quantifiable outputs and outcome targets. The Travel Plan which is subsequently agreed shall be implemented as part of the development carried out.

*Reason - In the interests of highway safety to maximise walking, cycling and the use of public transport in accordance with adopted Local Plan policy CLP22*

### Public Transport



20. The reserved matters submissions for each phase of the development shall include detail of improvements to be made to public transport including the introduction of real time information.

*Reason - In the interests of highway safety and to maximise the use of public transport in accordance with adopted Local Plan policy CLP22*

### Highways

21. The reserved matters submissions for each phase of the development shall include an assessment of the highways impact of the scheme in the form of a transport Statement and which shall include full details of any mitigating off site alterations or mitigation measures.

*Reason - In the interests of highway safety.*

22. The reserved matters submissions for each phase of the development shall include full technical detail and supporting reports to demonstrate that the development proposed safeguards the integrity of the substantial highway retaining wall along the south west boundary of the site.

*Reason – In the interests of highway safety.*

23. The reserved matters submissions for each phase of the development shall include detail of a Highway Construction Management Statement / Plan which shall include the following matters:
- parking for vehicles of site personnel, operatives and visitors
  - site accommodation
  - storage of plant and materials

- routes for construction traffic to and from the site and measures to ensure adherence to the approved routing plan for vehicles under the applicant's / developer's control
  - provision of roadside boundary hoarding behind any visibility zones
  - any proposed temporary traffic management.
  - details of wheel washing facilities for construction traffic
- The development shall be carried out in accordance with the agreed details.

*Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general and dangers to highway safety, during the construction phase in accordance with policies CLP14 and CLP22 of the Adopted Local Plan.*

24. The reserved matters submissions for each phase of the development shall include full detail of the proposed means of access to the site for vehicles together with detail of how the use of the access can minimise the impacts and protect the pedestrian and cycle users passing by the site.

*Reason - In the interests of highway safety for pedestrians and cyclists.*

#### Amenity

25. The reserved matters submission for each phase of the development shall include full details of any extraction equipment, refrigeration units or air conditioning units to be installed on the exterior of the building.

*Reason: In the interests of visual appearance and in satisfying Policy CLP14 of the adopted local plan*

26. The reserved matters submission for each phase of the development shall include a detailed lighting scheme for the

site. The submission shall provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be included to demonstrate acceptable levels of light spill beyond the site boundaries.

*Reason: In the interest of protecting habitats and species throughout the construction process in accordance with Policy CLP16 of the Adopted Local Plan.*

27. The reserved matters submission for each phase of the development which include any residential accommodation shall include an air quality assessment and demonstrate how the report has been taken into account in the proposal.

*Reason – In the interests of protecting the amenity of future residential occupiers of the site in accordance with policy CLP14 of the local plan.*

### Sustainability

28. No individual dwelling hereby approved as part of the reserved matters for any phase of the development shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

*Reason: To protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 149 of the National Planning Policy Framework.*

29. The reserved matters submission for each phase of the development shall include submission of a statement setting out how the development will minimise CO2 emissions during construction and occupation in terms of:

- i. following the steps in the energy hierarchy by seeking to use less energy, source energy efficiently, and make use of renewable energy before efficiently using fossil fuels from clean technologies;
- ii. optimising the efficient use of natural resources;
- iii. reducing emissions through orientation and design.

*Reason - In the interests of reducing emissions in line with Policy CLP20 of the Adopted Chesterfield Borough Local Plan 2020.*

30. Prior to removal of the London Plane tree taking place on site, a scheme shall be submitted to and approved in writing by the Local Planning Authority to seek to reduce the speed of the carbon release. Works shall be completed in accordance with the agreed details.

*Reason: To minimise the carbon impacts of the development in accordance with Policy CLP20 of the Adopted Local Plan.*

#### Biodiversity Net Gain

31. The reserved matters submission for each phase of the development shall include a detailed biodiversity net gain plan for the development which shall include the following: -
  - Headline Results of the latest version of the DEFRA Metric or any equivalent measurement superseding it, with its supporting calculations showing the predevelopment and the post-development biodiversity value of the onsite habitat;
  - information about the steps taken or to be taken to avoid and minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
  - steps taken to provide a biodiversity net gain on site; or
    - where not all the Biodiversity Net Gain can be provided on site, any proposal for biodiversity gain or registered offsite biodiversity gain allocated to the

development and the biodiversity value of that gain in relation to the development.

- An implementation programme.

*Reason: In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 170 of the National Planning Policy Framework.*

### Local Labour

32. The reserved matters submissions for each phase shall include an Employment and Training Scheme. 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 CLP6 of the Adopted Local Plan.*

### Informatives

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. In accordance with the ecological/biodiversity enhancement condition measures shall include but shall not be limited to:
- Bird/owl/bat boxes
    - (Locating your nestbox: Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.
    - You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.
    - The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.
    - Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)
    - (Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)
    - Installing integral swift bricks would contribute to the objectives and demonstrate a commitment to enhancing biodiversity. This is of particular relevance to the red-listed

House sparrow and the amber-listed Swift (expected to be red-listed in 2022). Both species are undergoing major declines caused mainly by the loss of nesting sites on existing buildings due to re-roofing and replacement of soffits and fascias. Swifts, for example, have experienced a catastrophic decline of over 60% in the last 20 years. Both these species readily use Swift bricks when these are integrated into new developments. Integration of Swift bricks is very easy to include into routine building practices and results in a permanent, discrete, inexpensive, maintenance-free biodiversity enhancer which will provide much-needed breeding spaces for declining species of birds.

- Biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats.
- Measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance.
- Holes in fences and boundary treatment to allow species such as hedgehog to move across the site.
- Bee bricks.

Species	Potential Enhancement Measure	Notes
<b>Wildflowers</b>	<p><b>Native wildflower meadow areas:</b> as an alternative to amenity grassland.</p> <p><b>Wildflower verges.</b></p>	<p>Wildflower meadow can be added where there is grassed verge / communal garden space as well as within residential gardens or as part of wider landscaping schemes. Advice for creating and maintaining a wild patch is available on the <a href="#">Wildlife Trust website</a> and through <a href="#">Flora Locale</a>.</p>
<b>Birds</b>	<p><b>Bird Boxes and other nesting features:</b> (such as stone ledges and wooden cladding).</p> <p><b>Native species planting and boundary features:</b></p>	<p>Particularly where adjoining natural areas such as woodland, areas of priority habitat and the river and canal environment. For guidance on installing bird boxes including</p>



	<p>Berry and seed producing shrubs are particularly beneficial for wildlife and include: Barberry, Blackthorn, Common Dogwood, Guelder Rose Hawthorn and Spindle berry.</p>	<p>minimum height see: <a href="https://www.bto.org/how-you-can-help/providing-birds/putting-nest-boxes-birds/putting-nest-box">https://www.bto.org/how-you-can-help/providing-birds/putting-nest-boxes-birds/putting-nest-box</a></p> <p>Generally, boxes should be sheltered from prevailing wind, rain and strong sunlight. Check local records (Magic portal and DWT advice) for target species.</p>
<b>Invertebrates</b>	<p><b>Bug hotels and log piles with stones:</b> particularly near ponds.  <b>South facing banks:</b> with some bare ground.  <b>Rough or natural stone walls with holes</b> for invertebrates to use.  <b>Brown roofs with a range of substrates</b> these are particularly recommended on brownfield sites where open mosaic habitat may have been lost. The substrate does not have to cover the entire roof.</p>	<p>Examples of living roof projects are available on the Buglife web page: <a href="https://www.buglife.org.uk/our-work/living-roof-projects/">https://www.buglife.org.uk/our-work/living-roof-projects/</a></p>

04. Lead Local Flood Authority Advisory/Informative Notes (It should be noted that the information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the LPA):
- A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
- B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the

County Council. For further advice, or to make an application please contact [Flood.Team@derbyshire.gov.uk](mailto:Flood.Team@derbyshire.gov.uk).

C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.

D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.

E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

G. The applicant should provide a flood evacuation plan which outlines:

- The flood warning procedure
- A safe point of extraction
- How users can safely evacuate the site upon receipt of a flood warning
- The areas of responsibility for those participating in the plan
- The procedures for implementing the plan
- How users will be made aware of flood risk
- How users will be made aware of flood resilience
- Who will be responsible for the update of the flood evacuation plan

H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found

in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

I. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

J. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- 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 + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc).

Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100

year rainfall event, should never exceed the peak greenfield run-off rate for the same event.

- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

#### Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.

- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event. Note:- 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).

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.

- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.

- Guidance on flood pathways can be found in BS EN 752.

- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces -

houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

K. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689- 1:2003.
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance).
- Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

L. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

M. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the

development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

05. The Fire Service recommends the Installation of a Domestic Sprinkler System in the premises, or alternately a minimum 32mm water supply capable of delivering the required volumes which would allow an installation to be carried out easier and at less cost should this be proposed in the future.