

**Item 3****SINGLE STOREY DETACHED SPORTS BAR SET IN THE CAR PARK OF THE TECHNIQUE STADIUM (REVISED PLANS RECEIVED 15/07/2022) AT TECHNIQUE STADIUM, 1866 SHEFFIELD ROAD, WHITTINGTON MOOR, CHESTERFIELD, DERBYSHIRE, S41 8NZ FOR CHESTERFIELD FOOTBALL CLUB.**

Local Plan: no allocation

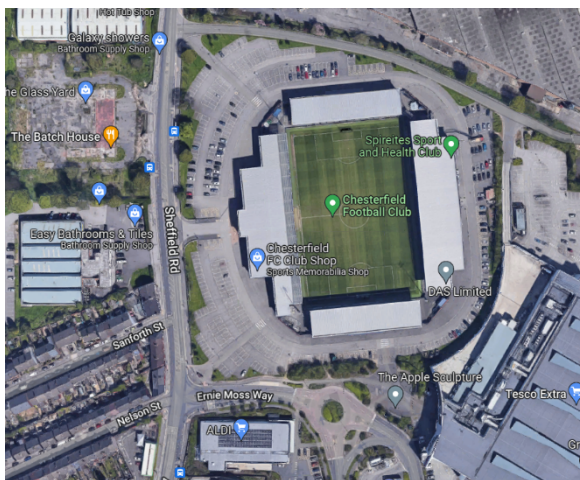
Ward: Moor

Planning Committee Date: 10<sup>th</sup> October 2022**1.0 CONSULTATIONS**

Ward Members	No comments received.
Local Highway Authority	No objections, concerns expressed regarding the loss of cycle parking - see report.
Derbyshire Constabulary	No objections – informative recommended regarding CCTV.
Strategic Planning	Comments received – see report.
Environmental Health Officer	No objections - conditions recommended for noise and land contamination.
Urban Design Officer	Concerns expressed however resolved by amended plans – see report.
CBC Design Services (Drainage)	No objections.
Representations	3 representations received – see section 7 of the report.

**2.0 THE SITE**

- 2.1 The site subject of the application is situated at the south west corner of the car park which fronts the Chesterfield Football Club stadium, sited at the junction of Sheffield Road and Ernie Moss Way. The wider site is the former Dema Glass Works site which has been redeveloped into supermarket stores and the football ground.
- 2.2 The site currently provides 30 no. car parking spaces and 7 no. cycle hoops for the football club and the red line boundary includes a pedestrian entrance to the ground and some soft landscaping areas which were secured as part of the original re-development.
- 2.3 Access to the site is via the main vehicle access to the football ground which is taken from Sheffield Road. The site slopes from south west to north east towards the stadium building itself.
- 2.4 The application site is approximately 2980sqm (0.29ha) which includes the vehicle access to Sheffield Road and circulation space around the stadium. The development area is approximately 1150sqm (0.115ha).
- 2.5 Sheffield Road is mixed in character at this location, featuring a wide range of uses including the Aldi and Tesco stores to the south and south east, commercial uses to the north, commercial uses to the west and north west, including the recently completed Glass Yard development, and residential uses to the south west along Nelson Street and Sanforth Street. The application site is within close proximity to the Whittington Moor District Centre which sits immediately to the north of the application site.



Aerial photograph © Google Maps



Site Location Plan ©



Application site, looking east ©



Application site, looking north west ©

### 3.0 **SITE HISTORY**

- 3.1 CHE/08/00230/FUL – Redevelopment of former Dema Glass Site, New Football Stadium (incorporating conference and banqueting facilities) (D2) Food Store (A1) (including ancillary retail units), Petrol Filling Station, a mix of office (B1) and/or Hotel (C1), and/or Restaurant (A3), and/or Car Showroom with associated access, parking (including park and ride spaces) and landscaping – in association with the revised plans received including (drawing no's 6418\_P02 REV D, EA/5122/004 rev L, EA/5122/002 rev L, EA/5122/001 rev L, EA/5122/003 rev L, 25041\_PL02A, 25041\_PL03A and revised plans WBP/305/1000 Rev P2, WBP/305/900 Rev P2, WBP/305/600 Rev P3 contained within the Transport Assessment Addendum.

CONDITIONAL PERMISSION: 30/07/2008

- 3.2 CHE/09/00129/FUL – Amendments to approved drawings of CHE/08/00230/FUL relating to the redevelopment of former Dema Glass site, new football stadium, food store, petrol filling station, a mix of office and/or hotel, and/or restaurant, and/or car showroom with associated access, parking and landscaping.

CONDITIONAL PERMISSION: 21/04/2009

- 3.3 CHE/09/00300/FUL – Amendment to CHE/08/00230/FUL specifically relates to the car park - revised application form received 24th June 2009
- CONDITIONAL PERMISSION: 20/07/2009
- 3.4 CHE/09/00178/TPO – The felling of 14 trees in TPO Order no 206, crown lifting of 6 trees and to include remedial pruning.
- CONDITIONAL PERMISSION: 06/04/2009
- 3.5 CHE/10/00398/ADV - Sponsors signage to north, south, east and west stands and totem sign on south west corner of the site
- UNCONDITIONAL PERMISSION: 10/09/2010
- 3.6 CHE/11/00346/FUL – Installation of 798 solar panels into existing roof of stadium – south stand
- CONDITIONAL PERMISSION: 19/07/2011
- 3.7 CHE/11/00038/RET - Fit glazed canopy above ticket window sales area on west elevation
- UNCONDITIONAL PERMISSION: 24/05/2011
- 3.8 CHE/12/00491/COU - Change of use for unit within the east stand of the B2net stadium from office to taxi booking office
- CONDITIONAL PERMISSION 01/10/2012
- 3.9 CHE/13/00040/REM1 - Variation of Condition 17 to CHE/08/00230/FUL to allow up to two non-football events to take place within the football stadium each year, with associated activity taking place within the boundaries of the curtilage of the stadium
- CONDITIONAL PERMISSION: 04/06/2013
- 3.10 CHE/12/00414/FUL - Transfer of the existing car boot sale from Holywell Cross to the B2 Net stadium on Sundays from 6am to 1pm
- CONDITIONAL PERMISSION: 25/09/2012

3.11 CHE/13/00228/REM1 - Variation of condition 2 (to increase trading and free parking areas - as per Plan A) and condition 3 (to allow stall set up at 07:45, remove reference in condition to 'public' and exclude approved catering vans from condition restrictions) of CHE/12/00414/FUL

CONDITIONAL PERMISSION: 04/06/2013

3.12 CHE/14/00854/ADV - -Free-standing, internally illuminated advertisement display

WITHDRAWN: 11/02/2015

3.13 CHE/15/00371/ADV - Erection of a free standing, internally illuminated advertisement display - re-submission of CHE/14/00854/ADV

REFUSED: 13/08/2015

3.14 CHE/16/00361/ADV - Internally illuminated built up aluminium letters fitted to flex face box

CONDITIONAL PERMISSION: 29/07/2016

3.15 CHE/16/00437/TPOEXP - Fell T9 Mountain Ash – dead

CONDITIONAL PERMISSION: 30/06/2016

3.16 CHE/20/00114/REM1- Variation of condition 17 of CHE/08/00230 to allow outdoor cinema screenings on the pitch twice per year

FOUND TO BE PERMITTED DEVELOPMENT: 02/03/2020

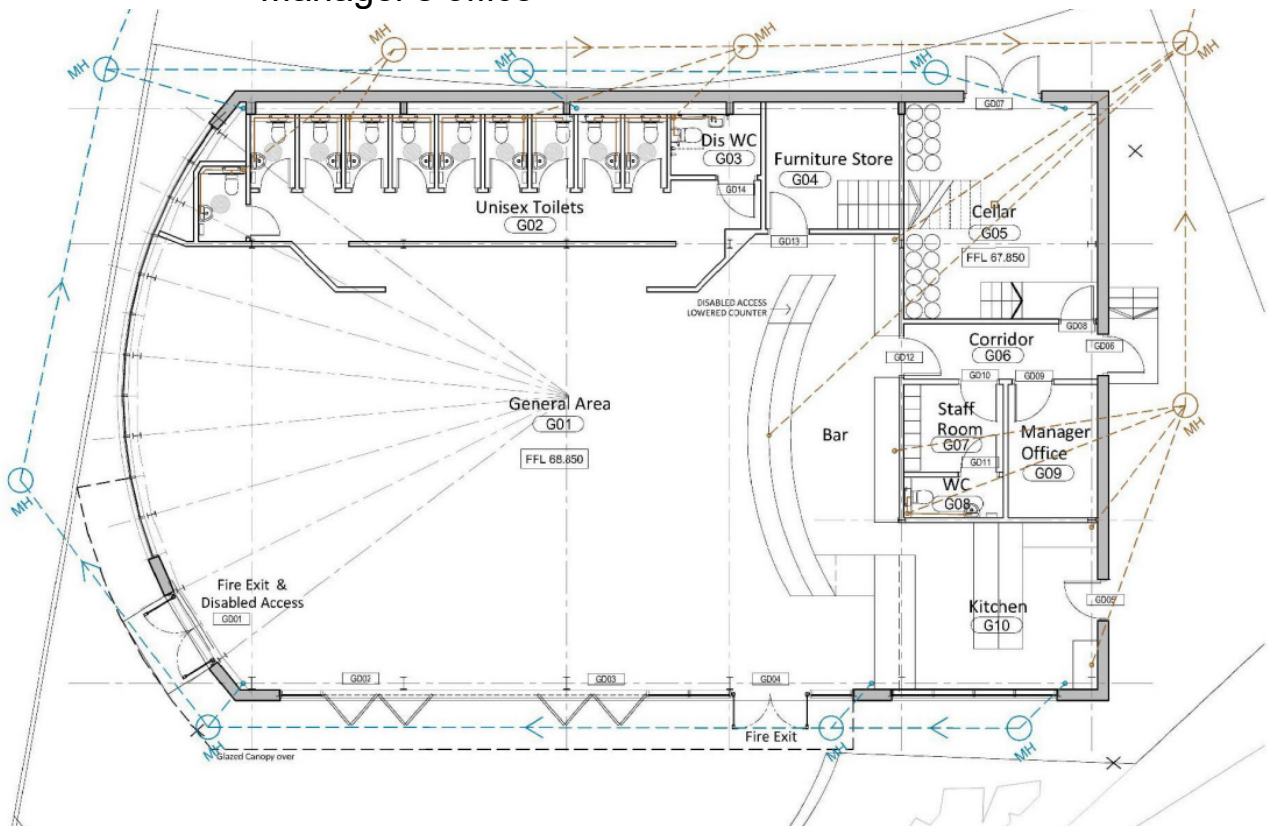
#### **4.0 THE PROPOSAL**

4.1 The application seeks planning permission for development of a single storey, detached sports bar within the existing car park area. The building would have a GIA of 350sqm and provides the following accommodation:

- Main room
- Bar
- Unisex WCs
- Furniture store



- Kitchen
- Cellar
- Staff room
- Manager's office



Proposed floor plan ©

- 4.2 The proposed bar would be used as a supporters' bar for Chesterfield Football Club on match days, a sports bar on non-match days, and a class room / educational space for Chesterfield FC Community Trust during the day, Monday to Friday.
- 4.3 Chesterfield FC Community Trust has provided a letter of support to the application which provides additional information relating to the proposed use of the building during the day time. The building will be a flexible space that enables its use as a bar during the evening / match days, as well as use as a class room and meeting room for use by the Trust during the week. The letter states that "sessions due to take place in the new facility include our Adult Weight Management Programme, Cancer Recovery Project, Traineeship Programme (which will also benefit from the using the Bar as work experience for 16 – 24 year old NEETs (Not in Education, Employment or Training), a Spire Right recovery addiction course, Apprenticeship Scheme, Senior Spireites Sitting Exercise Class and our Football and Education Students." The

letter also confirms the number of service users has grown and that the existing space at the stadium is insufficient to meet the needs of the Trust.

4.4 The proposed building will be a maximum of 25.35m in length and 15.3m in width, with a height of 8.1m when viewed from the stadium side of the building. The proposed north western elevation is formed of a curved prow and the building will have a curved standing seam roof which echoes the built form of the stadium and its west and east stands. The design includes feature glazing and spandrel panels to the north west and south west elevations which front the Sheffield Road / Ernie Moss Way junction and a glazed canopy above bi-folding doors which can be opened up in good weather.

4.5 The proposed elevations (drawing 7464-100 Rev P2) detail the materials for the building which are to be as follows;

- Roof: standing seam sheet with insulation and liner panel, in silver, with photovoltaic panels fixed to roof
- Anthracite fascia panels
- Windows and glazing: Glazed canopy and glazed curtain walling in anthracite with spandrel panels to selected frames
- Walls: Kingspan louvre insulated composite panelling in anthracite and ocean blue to match the stadium, above a red brick plinth to match the stadium
- Doors: aluminium sliding / folding glazed doors in anthracite with steel framed flush panel fire exit doors



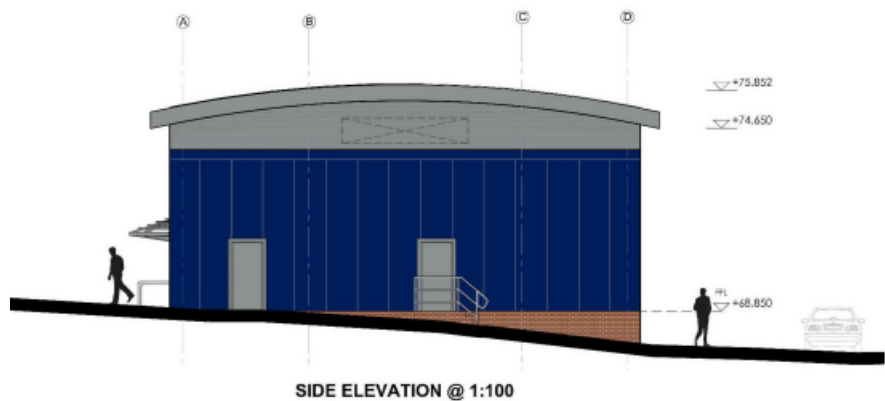
Front (south west) elevation



Side (north west) elevation



Rear (north east) elevation



Side (south east) elevation

4.6 Whilst the proposed exterior renders and proposed elevations (drawings SK001 Rev 01 and 7464-100 Rev P2) show that the area to the south west of the building, adjacent to the Sheffield Road / Ernie Moss Way junction is to include a terraced area which addresses the level change in the site, a landscaping scheme has



not been submitted. The existing pedestrian access into the ground from this junction is to be retained within the scheme.

- 4.7 The proposal has been partially revised as a result of discussion and negotiation with the applicant, following acknowledgement of the concerns raised by the case officer regarding the design quality of the proposed building. Whilst the preference of the case officer was for a comprehensive redesign of the scheme to provide a contemporary building which is distinctive within the street scene given the prominence of the site location, the revised proposal will give the building a greater presence on the site and has a more contemporary design than originally submitted.

## **5.0 PLANNING POLICY**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

### **5.4 Chesterfield Borough Local Plan 2018 – 2035**

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP9 Retail
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the demand for travel

### **5.5 National Planning Policy Framework 2021**

- Part 2. Achieving sustainable development
- Part 4. Decision-making
- 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

## **6.0 CONSIDERATION**

## **6.1 Principle of Development**

- 6.1.1 The principle of development should primarily be assessed through Policies CLP1, CLP2 and CLP9 of the Chesterfield Local Plan.
- 6.1.2 Policy CLP1 directs growth in the Borough towards areas that are within walking distance of a range of Key Services as set out in Policy CLP2 and policy CLP2 identifies a range of considerations for proposals on non-allocated sites. The proposal is within walking distance to Whittington Moor District Centre which provides a range of Key Services and sits along a key public transport corridor which runs along Sheffield Road.
- 6.1.3 The proposal can be considered to accord with the Council's Spatial Strategy as set out by policy CLP1 and is on an existing area of hardstanding which is not of high environmental value, satisfying criteria a) and b) of policy CLP2. It is not considered that there are any specific regeneration or sustainability benefits to the area that would arise from the proposal. The proposal sits on the edge of Whittington Moor District Centre which provides a range of Key Services and is sited along a corridor for public transport which runs along Sheffield Road and is within range of existing cycling routes, therefore is in accordance with criteria d) and e) of policy CLP2. The proposal will provide additional capacity for social infrastructure through the provision of additional class room space for Chesterfield FC Community Trust, and is not considered to generate any additional social infrastructure need, satisfying criteria f) of CLP2. The proposal is not considered to compromise the safeguarding of Minerals Related Infrastructure and is not located on agricultural land, satisfying criteria g) and h) of CLP2.
- 6.1.4 On this basis, it is considered that the proposal accords with the Council's spatial strategy as established by CLP1 and CLP2 of the Chesterfield Local Plan.

### Proposed Use

- 6.1.5 The proposal is for a Main Town Centre use as defined by the NPPF and is not within a defined Local Centre on the Local Plan policies map. Under the requirements of the NPPF (para 87) the Council must therefore apply the sequential test. In addition, para 90 of the NPPF also necessitates the provision of an impact assessment, subject to any locally set thresholds. Policy CLP9 of the Local Plan requires an impact assessment to be undertaken for

proposals over 280sqm within 500m of a District Centre. At 350sqm, the proposal exceeds this threshold, and an impact assessment is therefore required.

- 6.1.6 The applicant has provided both a sequential assessment and an impact assessment. The Strategic Planning Team have reviewed both documents and have requested that clarification be provided relating to the methodology for the sequential assessment.
- 6.1.7 The applicant subsequently provided further information within the sequential assessment (Rev P1 20/07/2022) which provides additional detail on the methodology. The sequential assessment considers alternative sites within the Whittington Moor District Centre and edge of centre sites within the locality and concludes that there are no units or sites considered to be suitable, available or viable, thus no sequentially preferable alternative locations to accommodate the proposed development in either the District Centre or other edge of centre locations.
- 6.1.8 In accordance with the NPPF and Policy CLP9, the applicant has also provided an impact assessment which considers the impact of the proposal on the Whittington Moor District Centre and on edge of centre drinking establishments. Due to the proposed use class for the scheme (sui generis – drinking establishment with expanded food provision, and F1 – the provision of education), the impact assessment has been limited to the consideration of 16 similar establishments within and on the edge of the District Centre. The Strategic Planning Team have agreed that this approach is appropriate.
- 6.1.9 The impact assessment does not adhere to the methodology for impact assessments as defined within Planning Practice Guidance in that it does not set out a timeframe for assessing impact and does not provide any information relating to turnover, trade draw, etc., instead a brief assessment of general likely impact on specific venues has been provided.
- 6.1.10 The impact assessment considers 16 drinking establishments within and on the edge of Whittington Moor District Centre and considers both the match day and non-match day impact of the proposed use of the building as a drinking establishment. The assessment finds that the food offering within the proposed development is unlikely to have an impact due to there being different target clientele to other food businesses (restaurants). Potential impacts are identified to comparable drinking

establishments, however it is not identified that the proposal will have any “significant adverse impacts” on the considerations set out in the NPPF such as existing, committed and planned public or private investment, and on town centre vitality and viability.

6.1.11 Planning Practice Guidance states that “the impact test will need to be undertaken in a proportionate and locally appropriate way”. The guidance in the PPG reflects that the default threshold for an impact assessment within the NPPF is 2500sqm, with the local threshold within the Local Plan being significantly lower at 280sqm.

6.1.12 Taking the above into account, the Strategic Planning Team have confirmed that the approach to impact assessment is appropriate and proportionate, and that the proposed development would be unlikely to have any significant adverse impact on the viability or vitality of the Whittington Moor District Centre.

6.1.13 In addition to the use of the building as a supports bar on match days and sports bar on non-match days, the proposed building is to be in an F1 / F2 use as an educational / community facility for use by Chesterfield FC Community Trust, which runs a number of educational and health based programmes from The Hub, which operates from within the stadium building itself. The Trust is in need of additional space to expand the provision of services that it offers to the local community.

6.1.14 It is therefore considered that the proposed development satisfies the sequential test as defined within the NPPF in that there are no sequentially preferable sites that are suitable, available or viable within or on the edge of the District Centre, and that the proposal is unlikely to significantly adversely affect the viability and vitality of the District Centre. On this basis, the proposal meets the relevant requirements of the NPPF and Policy CLP9 of the Chesterfield Local Plan.

6.1.15 The principle of development is therefore accepted.

## **6.2 Design, Appearance and Amenity**

6.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context 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.

- 6.2.2 Initially, the case officer and the Urban Design Officer expressed concerns relating to the design of the proposal given the site's location and prominence within the local townscape. The site is also positioned adjacent to one of the main pedestrian routes into the stadium and will be highly visible, warranting a design that responds positively to its location and relates well to its surroundings. Concerns were also expressed relating to the lack of openings and limited fenestration to the building, with cladded finishing that lacks articulation, visual interest and results in an underwhelming form and appearance given the site's prominence within the stadium site and at a highly visible location within the street scene.
- 6.2.3 The applicant and their agent were therefore advised to revisit the proposal to address the concerns raised, which has resulted in the submission of a partially revised design.
- 6.2.4 The revised proposal seeks to respond to the concerns expressed by increasing the overall height of the building, respecifying the roof as a standing seam profile (which also enables the incorporation of photovoltaic panels), introducing significantly more glazing to the front and side elevations which front onto Sheffield Road / Ernie Moss Way, introducing spandrel panels to the elevations and respecifying the brick plinth detailing to match the stadium bricks.
- 6.2.5 Whilst it is still considered that the design of the building misses an opportunity for a landmark contemporary building at a prominent corner within the street scene, the revisions to the design are acknowledged and are considered to be an improvement to the proposal as originally submitted.
- 6.2.6 The revised designs have provided additional articulation to the building through elevational treatments and a revised roof specification as well as increased glazing, which all serve to improve the overall appearance of the building. The proposed roof profile also echoes that of the stadium stands which is considered to be appropriate to the context of the site. The coloured cladding (anthracite and ocean blue) and brick detailing to match that of the stadium are also considered to be appropriate as they tie the detached building into the design for the site as a whole.
- 6.2.7 The proposal therefore better addresses the site context and will provide contextuality to the building through its form, materials and

articulation which addresses the prominent corner, junction and pedestrian entrance to the ground. The proposed glazing to the front and side elevation and glazed roof canopy provide a contemporary finish to the building which will also flood the interior with natural light, providing a welcoming space for the day time uses by Chesterfield FC Community Trust. The glazed elevations also improve visibility and enable activation as well as providing the opportunity for spillout into a terraced area with seating in good weather, providing further activity to the site. The heightened roof profile will increase the prominence of the building within the street scene which will create distinction to this part of the site.

- 6.2.8 Furthermore, there are other benefits to the proposal which are considered to outweigh the design quality, such as the proposed community use of the space, flexible internal space which enables day time and night time use of the site which will bring activation and the sustainable location of the proposed development.
- 6.2.9 On this basis, the proposal is considered to be of an acceptable design which satisfies Policy CLP20 of the Chesterfield Local Plan.
- 6.2.10 Policy CLP14 requires all development to have appropriate regard to the amenity of occupiers and surrounding residents.
- 6.2.11 Concerns were initially expressed by the case officer with regard to the proposed use of the building as an educational facility for potentially vulnerable learners and service users during the day, and a switch to a bar use on match days and sports bar during the evenings, however the applicant has confirmed that the interior of the building will be designed as a flexible space with bar areas to be screened during the day / when not in use. The introduction of additional glazing to provide improved natural light within the space is a welcome improvement as it will provide additional permeability into the space as well as providing an improved internal environment. In addition, the potential acceptability for educational uses is a matter for education authorities including OFSTED as necessary and is not of fundamental planning concern.
- 6.2.12 With regards to neighbouring amenity, it is not considered that the proposed building will have any significant adverse effects on the amenity of surrounding occupiers through overlooking or overshadowing, due to the separation distance between the application site and residential properties to the west and south west.



- 6.2.13 The introduction of a bar use to the stadium site does raise the potential for additional amenity impacts on surrounding residential occupiers, owing to the potential for additional anti-social behaviour on non-match days as a sports bar and intensification of the use of the stadium site on match days.
- 6.2.14 However, there are other bar uses within the immediate vicinity that are operational on match days and on non-match days and the proposed introduction of an additional bar use is not considered to result in any significant additional impact in this regard beyond that which exists already from the other drinking establishments within the immediate vicinity of the site.
- 6.2.15 Furthermore, Derbyshire Constabulary has been consulted on the proposal and have raised no objections, confirming that at key times the majority of crime and disorder issues can be mitigated against through licensing supervision conditions. The football policing unit are satisfied with the application proposal design and use proposals.
- 6.2.11 Overall the proposed development is considered to be appropriately designed to respond to the provisions of policies CLP14 and CLP20 of the Local Plan, NPPF with regards to design and amenity.

### **6.3 Highways Safety**

- 6.3.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety. The Local Highway Authority has raised no objections, however concerns have been raised by the LHA and the Strategic Planning Team regarding the loss of existing cycle parking facilities. The applicant has confirmed that these are to be relocated to elsewhere with the football ground and is therefore considered necessary to impose a condition to secure their provision.
- 6.3.2 Objections have also been raised by local residents regarding parking provision at the site and the loss of parking spaces as a result of the proposal. The Club has reviewed on site parking arrangements with regard to current match day parking requirements. The review has highlighted that on-site provision for coach parking is in excess of the current numbers of away spectators attending matches and that some of the coach parking bays are therefore surplus to requirements.

- 6.3.3 The application therefore proposes that the current number of coach parking bays are reduced to create additional space for the 30no. parking spaces that are to be displaced by the development. These bays would be double stacked and managed by match day stewards to control vehicular movements.
- 6.3.4 The management of the bays would fall within the current management of match day vehicular movements where stewards control parking and vehicle movements within the site. No cars are permitted to leave for 30 minutes after the match which would enable the spaces to be managed in line with the current arrangements established within the Travel Plan for the stadium site.
- 6.3.5 The applicant has provided a drawing confirming the replacement of the lost bays (Proposed Car Park Relocation Sketch Option 1, Drawing no. 7454-SK011, Rev 02) which details the layout for the replacement spaces. The result of which is that no match day parking capacity is lost as a result of the development.
- 6.3.6 With regard to the loss of cycle spaces provided by the existing 7 no. cycle hoops on site, in response to the concerns expressed by the Strategic Planning Team and the Local Highway Authority as to their loss, it is considered reasonable to impose a condition which requires the provision of at least 7 no. replacement cycle hoops within the stadium site.
- 6.3.7 The proposal is therefore considered to be acceptable under policy CLP20 and CLP22 of the Local Plan on this basis.

## **6.4 Biodiversity and Landscaping**

- 6.4.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.
- 6.4.2 No information has been provided in respect of a proposed biodiversity enhancement at the site or to demonstrate a net gain in biodiversity. The proposal is a minor scheme and does not result

in the loss of an existing species rich habitat area, rather develops an existing area of hardstanding. The design and access statement also confirms that existing areas of landscaping to the south of the site (adjacent to Ernie Moss Way) are to be retained.

6.4.3 Nevertheless, some level of biodiversity net gain is necessary to accord with policy CLP16 of the Local Plan and the NPPF. It is therefore considered to be reasonable to impose a condition to secure a biodiversity net gain with explanatory details contained in a footnote to be addressed by the applicant.

6.4.4 In addition, whilst the proposed renderings and elevational drawings shown an exterior terraced area, detailing on the landscaping and boundary treatments remains unconfirmed. It is therefore considered reasonable to impose a condition which requires the provision of a landscaping scheme and secures its maintenance over the long term.

6.4.3 On this basis, and subject to compliance with conditions, the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

## **6.5 Drainage**

6.5.1 The site is shown to be at risk of surface water flooding as shown on the Environment Agency maps and confirmed by the Council's Drainage Team.

6.5.2 The applicant has provided drainage details (drawing no. 7464-100 Rev P2) which show proposed drainage connections for the development. The Council's Drainage Team have confirmed that there are no objections to the drainage proposals.

## **6.6 Developer Contributions**

6.5.1 The site is situated within the Commercial Development CIL Charging Zone as set out in the Council's Charging Schedule. At present, this is charged at a rate of £80 per square metre of gross internal floorspace, subject to indexing. The CIL charge is therefore calculated as follows:

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

			A	B	C	D	E
Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permi-ssion)	Index (charging sche-dule)	CIL Charge
Retail (former A1-A5)	344	0	344	£80 (Retail)	332	288	£31,724

## 7.0 **REPRESENTATIONS**

- 7.1 The application was advertised for the standard required time period. 3 representations have been received, one of which is a letter of support from Chesterfield FC Community Trust, two of which are objections from nearby residents.
- 7.2 Chesterfield FC Community Trust's letter has been summarised at paras 4.3 and 6.1.13 of the report. The Trust considers that the proposed building will be a valuable asset to the community and will be a classroom and meeting space for a number of under-represented members of the local community. A number of which already use the facilities available at The Hub, however the number of people that have use the facilities has outgrown the available space. The Trust have stated that they would be able to reach more people and help more lives in Chesterfield should the Sports Bar be developed.
- 7.3 Officer response: The above representation is noted and the community use of the building is considered to weigh in favour of the proposal.
- 7.4 Two objections have been received from local residents, highlighting the following concerns:
- Reduction in car parking capacity will result in additional unacceptable spillover parking into surrounding residential streets
  - The proposal will result in additional pedestrian traffic with insufficient pavement space to accommodate them
  - The existing football and event related disruption (such as noise and traffic) will be extended for longer hours
  - There is a risk of additional anti-social behaviour from inconsiderate users of the facility

- The proposal may exacerbate existing anti-social behaviour issues
- The design of the proposal is not considered to be acceptable from both a visual amenity and material selection perspective
- The siting of the proposal would be more beneficial at the north west corner of the site
- The intensification of bar uses in the area is unnecessary

7.5 Officer response: The concerns expressed are noted and have been addressed within Section 6 of this report.

## **8.0 HUMAN RIGHTS ACT 1998**

8.1 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

8.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

## **9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

9.2 The Local Planning Authority has during the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

## **10.0 CONCLUSION**

10.1 Overall subject to conditions the proposal is considered to be acceptable in accordance with policies CLP1, CLP2, CLP9, CLP14, CLP16, CLP20, CLP21 and CLP22 of the Local Plan.

## 11.0 **RECOMMENDATION**

11.1 That the planning permission be **GRANTED** subject to the following conditions:

### 11.2 **Conditions**

#### Standard time frame

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

**Reason** - The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004

#### Approved plans and documents

2. The development hereby permitted shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below):
  - Existing Site Plan and Site Location Plan, drawing no. 7464-010 Rev P2, 1:1250 and 1:200 @ A1
  - Proposed Site Plan, Floor Plan and Elevations, drawing no. 7464-100 Rev P2, 1:100, 1:200 @ A1
  - Proposed Car Park Relocation Sketch Option 1, drawing no. 7464-SK011, Rev 02, 1:500 @ A3

**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.

#### Pre-Commencement – Land Contamination

3. a) Prior to work commencing on site, the application site shall be subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority;  
b) Prior to works commencing on 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 of the development, 'Contamination Proposals' relevant to that 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

#### Biodiversity Net Gain

4. Within 2 months of the development hereby permitted commencing, a scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development, shall be submitted to and approved in writing by the Local Planning Authority. The net measurable gain shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

**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 175 of the National Planning Policy Framework

#### Landscaping

5. Notwithstanding the submitted details, within 2 months of the development hereby permitted commencing, details for the treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be

landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a) a scaled plan showing trees and plants to be planted including species and planting density. The plan shall include indications of all existing trees, hedgerows and other vegetation on the land to be retained and detail measures for the protection of retained vegetation during the course of development, including details of ecologically beneficial landscaping to provide a biodiversity enhancement.
- b) proposed hardstanding surfacing materials and shall include elevational drawings of boundary treatments including materials, types of fencing/walling and treatment/colour.
- c) a schedule detailing sizes and numbers of all proposed trees/plants
- d) Sufficient specification to ensure successful establishment and survival of new planting.

**Reason** – In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with policy CLP16 of the Chesterfield Local Plan.

#### Retention of landscaping

6. The landscaping agreed under condition 5 above shall be retained and maintained as follows:
  - a) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner;
  - b) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.
  - c) Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.
  - d) All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

**Reason** - To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with policy CLP20 of the Chesterfield Local Plan.

#### Construction hours

7. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

**Reason** - In the interests of safeguarding the privacy and amenity of the occupiers of surrounding properties in accordance with policies CLP20 and CLP14 of the Chesterfield Local Plan

#### Cycle parking

8. Within 2 months of the development hereby permitted commencing, a scheme for secure cycle parking (minimum of 7 racks) shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provided shall be secure, in an overlooked, lit location with protection from weather and shall be provided concurrent with the first operation of the building hereby approved and thereafter retained and maintained operational for the lifetime of the development.

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

### **Informative Notes**

1. The Local Planning Authority have considered this application in a positive and proactive way in order to achieve a positive outcome for the application.
2. 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.
3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining

feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

4. Any amendments to existing drainage may require Building Control approval. Any new connections to the public sewerage network will require prior approval from Yorkshire Water.
5. In accordance with condition 3, appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
  - bird/owl/bat boxes
    - (Locating your nest box: 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 nest boxes 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 nest box close to a bird table 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.)

- 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 treatments to allow species such as hedgehog to move across the site
- bee bricks

6. Licensing requirements will necessitate the provision of detailing of a closed-circuit television surveillance monitoring and recording system for both the building interior and immediate exterior.