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Governance

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The Chair and Members of Planning
Committee

Please ask for

Jackie Brobyn

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Councillor Blank (Site Visit)

9 May 2014

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 19 MAY 2014 at 3.00 pm in Assembly Rooms - Main Hall, Market Hall, Market Place, Chesterfield, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

Please note that the meeting will be preceded by the following site visit.

Planning Committee Members should assemble in the **Members Room** at **13.45 p.m.** Ward members wishing to be present should attend on site as indicated below:-

1. CHE/13/00635/FUL – Construction of new purpose built public sports facility (revised plans received 19th November 2013 repositioning building 10m south and car parking layout amended) at Queens Park Annexe, Boythorpe Avenue, Chesterfield for Chesterfield Borough Council. **(13.50 pm)**

Members are reminded that only those attending on site will be eligible to take part in the debate and make a decision on these items. Members intending to declare a Disclosable Pecuniary Interest, or any other matter which would prevent them taking part in discussions on an item, should not attend the site visit for it.

Chief Executive
Huw Bowen

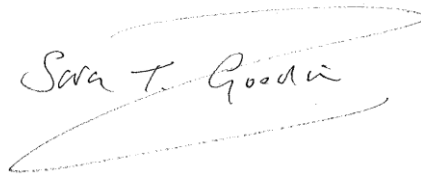


Ward members are invited to attend on site and should confirm their attendance by contacting Jackie Brobyn, either tel. 01246 345229 or via e-mail: Jacqueline.brobyn@chesterfield.gov.uk by 9.00 a.m. on Monday, 19 May. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

Please ensure that all mobile phones are switched off during site visits and at the meeting at the Town Hall.

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Application for Planning Permission - Plans Determined by the Committee (Pages 1 - 52)

Yours sincerely,

A handwritten signature in cursive script that reads "Sara T. Goodwin". The signature is enclosed within a hand-drawn oval shape.

Head of Governance

Agenda Item 3

Case Officer: Scott Nicholas

File No: CHE/13/00635/FUL

Tel. No: 345796

Plot No: 2/2011

ITEM

Application Description:

Construction of new purpose built public sports facility (revised plans received 19th November 2013 repositioning building 10m south and car parking layout amended) at Queens Park Annexe, Boythorpe Avenue, Chesterfield for Chesterfield Borough Council

Local Plan designation: Saved policy POS 4 of the Replacement Chesterfield Borough Plan (2006) and Local Plan: Core Strategy policy CS9.

Ward: St Leonards

1.0 CONSULTATIONS

Highways	No objections subject to conditions, including the introduction of a Traffic Regulation Order and preparation of a Travel Plan.
Ward Members	No objections.
Yorkshire Water	No objections.
Cycle Campaign	Support the provision of cycle lanes, but concerned about the design of the proposed cycle provision, including access.
Environment Agency	No objections.
Sport England	Support the proposal, subject to details of proposals for a replacement sports pitch to offset the loss of the existing sports field.
Conservation Officer	No objections, subject to appropriate landscaping scheme.
Urban Design Officer	Supports the proposal subject to detailed matters relating to materials; landscape design; and confirmation that the appropriate BREEAM level has been achieved.
Economic Development Unit	Support the proposal as it provides opportunities for local employment, training and the supply chain.

Environmental Health	No objections subject to the correct location and siting of the external plant and the submission of a detailed lighting scheme.
Tree Officer	The Council's Tree Officer has no objections subject to conditions ensuring tree protection measures are put in place during development.
Kier Services (Engineering)	No objections subject to receiving further surface water and drainage details.
English Heritage	No objections, subject to concerns over the screening of the proposal being addressed.
Civic Society	Object on the basis of design and location.
Natural England	No objection but refers the local planning authority to Standing Advice on protected species.
Derbyshire Wildlife Trust	No objection subject to conditions which safeguard the ecological interest of the site.
Mid-Derbyshire Badger Group	No objection but concerned about ecological impacts (support Derbyshire Wildlife Trust comments).
Coal Authority	No objection subject to conditions ensuring any potential remediation works.
Advertisements/Site Notices/Neighbours	56 letters/emails received from local residents objecting to the proposal.

Appendices to the report:

Appendix 1 - Sites included as part of sequential testing.

Appendix 2 - Summaries of public representations.

Appendix 3 - Statement of positive and proactive working with the applicant.

2.0 SITE DESCRIPTION & PROPOSAL

Site Description

- 2.1 The application site is known as 'Queens Park Annexe', which is located to the south of Chesterfield town centre, approximately 400 metres from New Beetwell Street (the latter marking the edge of the shopping centre and the main bus station in town). The site is bounded by Boythorpe Road to the west, Boythorpe Avenue to the north, Park Road to the east and a number of residential properties along Summerfield Road to the south.

- 2.2 The site was previously in use as an athletics and sports ground. The use of the playing pitch ceased at the end of the 2012/13 playing season and the athletics club relocated to the new synthetic track at Tupton Hall in 2007. Any the use of the track and pitch since that time has been for informal use.
- 2.3 The sports pitch and track are on the level part of the site with spectator terraces formed to the south. There are a number of buildings on the site which once provided changing, storage and toilet facilities. All of these facilities are no longer in use and are in poor condition.
- 2.4 On the northern side, the site is elevated above Boythorpe Avenue and separated by a high embankment and wide belt of mature trees. To the south, beyond the area of running track, the land rises significantly, into which the spectator terracing is cut, before levelling out towards the southern boundary. The southern boundary is defined by the rear gardens of the properties on Summerfield Road. A margin of mature trees and semi-natural grassland provides some separation between these properties and the site of the proposed development.
- 2.5 The western and eastern boundaries are enclosed by belts of trees which largely obscure clear views into the site. The public frontages around the site are defined by 1.8m metal railings, which enclose the former sports ground.
- 2.6 The main entrance is from Boythorpe Road, although there is pedestrian and ground staff access through a car park at the eastern end of Boythorpe Avenue. All secondary pedestrian entrances have been sealed and are not currently in use.
- 2.7 There is evidence of historic mining activity on the site and a disused mine shaft is located towards the south western corner of the football pitch.

Proposal

- 2.8 The proposal is to build a new sports facility on the site with associated car parking. This will replace the existing Queens Park Sports Centre located further north on Boythorpe Road. The applicant has indicated that a new build rather than refurbishment and upgrade of the existing sports centre is preferable because of the running costs and space constraints of the existing facilities. The existing building's construction and design (late 1960s with 1980s additions) is not considered conducive to the introduction of new or upgraded sports facilities.
- 2.9 The proposed new sports facility would contain the following:
- 25 metre long six lane main pool
 - Learner pool
 - Children's water fun features
 - Activity studio
 - 2 squash courts
 - Fitness suite
 - 6 court main hall
 - Dry changing
 - Village changing (wet side)

- Training rooms
- Consulting rooms
- Café/viewing area
- Car parking for 104 vehicles.

2.10 The proposed building will be located on the level portion of the site on the area of the existing sports ground. The building footprint and car parking do not significantly impinge on areas outside the existing football ground and running pitch, hence a large part of the Annexe will remain undeveloped (around 65% if the tennis court and bowling green are included). The proposed access will be from Boythorpe Road, 60 metres south of the junction with Boythorpe Avenue. A short access road will lead into the parking area.

2.11 The design of the proposed sports facility is modern and contemporary. The western entrance will include an area of landscaping made up of planting, a plaza, a terrace and cycle storage. The northern elevation will face the tree belt adjacent to Boythorpe Avenue. The southern and eastern elevations are primarily made up of windows and service/access points.

2.12 The building is made up of four interconnected blocks with heights ranging from 5.5 metres (the swimming pool/café section) up to 12 metres at its highest point (the Sports Hall parapet). The main dimensions of the building (length x height) are as follows:

- Western elevation = 78.5m x 9m
- Eastern elevation = 65m x 12m
- Southern elevations = 53m x 12m
- Northern elevation = 45m x 9m

2.13 The design and access statement that accompanies the application proposes that the remaining open space areas to the east and south of the proposal could become zones for future sport or athletics activity, though details for these areas are yet to be submitted.

2.14 The sports facility would be operated as a 'dual use' facility by the public and students of Chesterfield College. The proposed opening times of the facility are: Monday to Friday 6:30am-10pm and Saturday to Sunday 8am-6pm.

Revised layout

2.15 The original layout for the building and parking area was the subject of revision. The revised plans for the scheme were submitted on the 19th November 2013 and relocate the building 10 metres southwards due to ecological concerns raised in respect of the original layout.

3.0 CONSIDERATION OF ISSUES

3.1 The key material planning issues to consider in determining this application are as follows:

- Whether the proposal accords with the policies of the Local Plan and national planning policy.
- Whether this is an appropriate location in planning terms for the provision of a sports facility.
- The impact of the loss of the existing playing pitch and athletics track.
- The impact of the proposed development on ecology, trees and biodiversity on the site.
- The impact of the development on the heritage of the adjacent Queens Park grade 2* park and Conservation Area.
- The quality of design of the proposed development and its relationship to the surrounding area.
- The economic impacts of the proposal.
- The impact of the proposed development on the local highway network and walking and cycling access.
- The impact of the proposal on ground conditions of the site and drainage.
- Objections from local residents and other interested parties.

3.2 The next section of the report will first provide an overview of the most relevant local and national planning policy. It will then go on to address each of the above issues in turn.

Planning Policy Framework

3.3 The relevant planning policy framework is the adopted Chesterfield Borough Local Plan: Core Strategy 2011-2031.

3.4 Reference should also be made to the saved policies in the 2006 Replacement Chesterfield Borough Local Plan. This is because 'part two' of the Council's Local Plan (called 'Sites and Boundaries') is currently being prepared and has not yet been adopted by the Council.

Until such time as it is adopted, the Annexe's boundary is protected as a sports pitch and playing field under saved policy POS4 of the Replacement Chesterfield Borough Local Plan. However, the relevant policy wording is contained in policy CS9 of the Local Plan: Core Strategy which was adopted by the Council in July 2013.

Local Plan: Core Strategy

3.5 The Local Plan: Core Strategy, including the full policy wording can be viewed on the Council's website: <http://www.chesterfield.gov.uk/Core-Strategy-629.html>. The following provides a summary of policies that are material to the application:

3.6 **CS1: Spatial Strategy** - sets out the broad locations for development. The overall approach is to concentrate new development within walking and cycling distance of centres, including Staveley and Chesterfield town centres and areas in need of regeneration.

3.7 **CS2: Principles for Location of Development** - sets out a broad list of sustainability requirements that all development in the borough should meet, including prioritising development on brownfield land, promoting regeneration, maximising opportunities for cycling & walking and meeting sequential test requirements. All developments

should be required to have an acceptable impact on the amenity of users or adjoining occupiers.

- 3.8 CS6: Sustainable Design and Construction - supports proposals that contribute to reducing CO2 and generation of renewable energy. Planning applications for major development will be expected to provide pre-assessment evidence demonstrating how they will meet these levels.
- 3.9 CS7: Managing the Water Cycle - flood risk and sustainable drainage should be considered for all development and proposals should be directed to locations with the least impact on flooding.
- 3.10 CS8: Environmental Quality - where appropriate or where such risk exists, impacts on air quality, water contamination and unstable or contaminated land should be addressed by incorporating mitigation measures.
- 3.11 CS9: Green Infrastructure and Biodiversity- aims to protect the borough's green infrastructure network, including parks and open space, allotments and biodiversity. If existing playing fields or sports pitches are to be lost as a result of new development, then unless they are surplus to demand, alternative provision should be sought.
- 3.12 CS13: Economic Growth - aims to deliver sustainable economic growth by supporting existing jobs and businesses and promoting inward investment. For major development proposals negotiation with developers should be sought for recruitment, training and procurement to benefit the local economy.
- 3.13 CS15: Vitality and Viability of Centres - aims to locate town centre type uses (including leisure uses) into defined town, local or service centres. The objective is to support the role and viability of these centres by offering services, facilities, shopping and jobs.
- 3.14 CS17: Social Infrastructure - encourages the provision and enhancement of community and leisure facilities, with an emphasis on locating facilities in or on the edge of town centres and co-locating public services.
- 3.15 CS18: Design - all development should identify, respond to and integrate with the character of the site and surroundings. Innovative development and design, where appropriate, should be promoted, as should development which creates a safe and attractive environment for pedestrians and cyclists. For developments costing in excess of £1m, up to 1% of the total development cost should be negotiated towards public art.
- 3.16 CS19: Historic Environment - new development should preserve or enhance the local character and distinctiveness of the area in which it is situated. Designated heritage assets and their settings should be protected, including the character and setting of important buildings and sites such as Queens Park.
- 3.17 CS20: Influencing the Demand for Travel - development proposals should mitigate transport impacts and maximise walking, cycling and the use of public transport.

Appendix G of the Local Plan: Core Strategy provides guidelines for parking provision.

National Planning Policy Framework

- 3.18 In addition to local planning policy, the policies in the National Planning Policy Framework (NPPF) are material to the application. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The most relevant policies are:
- 3.19 1: Building a strong, competitive economy - the planning system should be committed to sustainable economic growth, including addressing potential barriers to investment and new infrastructure (paragraph 21).
- 3.20 2: Ensuring the vitality of town centres - planning authorities should recognise the important role of town centres and pursue policies to support their viability and vitality. Sequential testing should be applied to planning applications for main town centre uses that are not in existing centres (paragraph 24).
- 3.21 4. Promoting sustainable transport - major development should be supported by Transport Assessments and Travel Plans and encourage non-car modes of travel, such as public transport, cycling and walking. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe (paragraph 32).
- 3.22 7: Requiring good design - planning authorities should plan positively for the achievement of high quality design. Planning decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation (paragraph 60).
- 3.23 8: Promoting healthy communities - planning authorities should plan positively for the provision and use of community facilities including sports venues. Planning policies should be based on robust and up-to-date assessments for the needs of open space, sports and recreational facilities and opportunities for new provision. Information gained from the assessment should be used to determine what open space, sports and recreational provision is required (paragraphs 70 & 73).
- 3.24 11: Conserving and enhancing the natural environment - the planning system should protect and enhance the natural environment and ecological networks. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused (paragraph 118).
- 3.25 12: Conserving and enhancing of the historic environment - in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Where a development proposal will lead to less than substantial harm to the significance of designated assets, this harm should be weighed against the public benefits of the proposal (paragraph 128).

3.26 The following section of the report will address each of the key material planning issues by reference to the policies as just set out.

Location of Development

3.27 The overall thrust of the NPPF and policies CS1, CS2, CS15 and CS17 of the Local Plan: Core Strategy in guiding the location of development generally, and leisure development in particular, is to:

- Concentrate development within centres and locations easily accessible by walking, cycling and public transport.
- Encourage development on previously developed land or which supports wider regeneration.
- Locate town centre type uses (including leisure uses) into defined town, local or service centres, to support their role and viability as centres of economic activity by offering services, facilities, shopping and jobs.
- Apply the sequential test to any applications for town centre uses (such as leisure) that are not in existing centres.

3.28 Whilst the Queens Park Annexe site is not within the Chesterfield town centre boundary or Chatsworth Road district centre, it is close and well related to both (approximately 400 metres away). This makes it easily accessible by walking, cycling and public transport. In this location the proposed new sports facility would be well placed to serve both an immediate town centre catchment and the wider Chesterfield area. It is also on the edge of the Rother ward, which is one of the borough's most deprived communities and a Regeneration Priority Area in the Local Plan: Core Strategy. The new facility would bring jobs and income into the local community to support its regeneration.

3.29 Although the centre would be next to Queens Park as a historic park and garden, the Annexe has not historically been identified as being an area of high environmental value. However, the impact on the heritage of Queens Park and on any ecology in the area has been assessed as part of the application (the summaries of which are later in this report). It is not considered that these impacts render the site unsuitable as a location for a sports centre.

3.30 A sequential test has been undertaken to identify whether there are other more suitable sites close to the Annexe for development which is summarised at Appendix 1. This demonstrates that given the size, scale and operational requirements of a sports centre, there are no suitable or available alternative sites.

Loss of Existing Sports Pitch

3.31 The proposal will mean that a significant part of the existing sports pitch and athletics track on the Annexe will be lost. In accordance with policy CS9 of the Local Plan: Core Strategy the applicant should demonstrate to the planning authority that:

- i. The pitch is identified as surplus to demand.

- ii. The development would result in alternative or improved provision that better meets locally defined standards.
 - iii. The site is not needed for other open space, play provision or sports facilities identified in locally defined standards.
- 3.32 The key issue is whether the existing playing field can be demonstrated to be surplus to requirements and/or whether the replacement facility outweighs the loss.
- 3.33 The Council is currently preparing an Outdoor Sports & Playing Pitch Strategy which indicates that there is unlikely to be a future need for the playing field for either football or athletics. However, this is in the context of adult sports provision; the assessment also indicates that there may be a need for more junior playing pitches in the future.
- 3.34 Until the strategy has been completed and adopted by the Council and a full picture is provided regarding sports provision, it is not possible for the local planning authority to conclude that the requirements of criteria i & iii of policy CS9 have been fully met.
- 3.35 Sport England have been consulted on the planning application and they conclude that there would be overall benefits delivered by the replacement indoor facilities. However, they also comment that until the Outdoor Sports & Playing Pitch Strategy is concluded and adopted (which may indicate that new provision is not necessary) they cannot say whether the existing sports pitch is surplus to requirements. They therefore recommend that a replacement sports pitch be found to compensate for the loss of the existing one.
- 3.36 In discussion with Sport England, the Council's Leisure Services, as applicant, are proposing to provide a replacement pitch on Somersall Park in the west of the borough (approximately 1.5 miles to the west of the Annexe). The Council's Head of Environment has confirmed that should planning permission be granted for the sports facility, the replacement pitch will be made available prior to the commencement of development on the Annexe site, unless an adopted Outdoor Sports and Playing Pitch Strategy demonstrates that the Annexe site is surplus to demand.
- 3.37 The Council's Leisure Services are currently completing the Outdoor Sports and Playing Pitch Strategy in consultation with Sport England and the relevant National Governing Bodies and anticipate that it will be completed in the near future.
- 3.38 The provision of a new pitch can be achieved through the imposition of a planning condition. Sport England have been consulted on a proposed planning condition and they confirm that it is acceptable and meets their requirements.
- 3.39 Subject to such a condition, the proposal would also meet the requirements of policy CS9 of the Core Strategy: Local Plan.

Ecology and Biodiversity

- 3.40 Whilst the Annexe has not historically been allocated for ecological protection in local plans, ecological surveying has been carried out by the applicant. This is in line with policy CS9 of the Local Plan: Core Strategy which expects developers to identify the ecological value of sites prior to any development proposals coming forward.
- 3.41 A Preliminary Ecology Report was prepared by Access Ecology in November 2013. The primary aim of the report was to identify habitats and species and determine whether they would be a constraint to site development. The report was prepared in context of the relevant legislation relating to the conservation and protection of habitats and species, including the Protection of Badgers Act 1992.
- 3.42 A Phase 1 Survey was undertaken which aimed to identify:
- Any dominant plant species
 - Invasive non-native species
 - The presence of badgers
 - The presence of bats
 - The presence of Great Crested newts
- 3.43 A separate Badger Assessment Report was also prepared which was included as an appendix to the main report. In the interests of badger protection, this report was classed as confidential and not placed in the public domain.
- 3.44 The conclusions and recommendations of both the Preliminary Ecological Report (Nov 2013) and the Badger Assessment Report (Nov 2013) are as follows:

Flora (including controlled invasive species)

- 3.45 All of the habitats and floral species identified on site are common and the site was found to contain limited floral diversity. As a result of this no further botanical survey is required. No evidence of controlled invasive species was found and no further action is recommended.

Badgers

- 3.46 The surveying confirmed the presence of a badger activity on site. It was recommended precautionary methods be undertaken should any development go ahead, including inspection from licensed ecologists. The report stated that given the proximity of badgers a Natural England Protected Species Mitigation License would not be required (*note: this recommendation was subsequently changed due to new information coming to light - see paragraphs 3.51 & 3.52*).

Bats

- 3.47 No bat roosting activity on site has been observed, although one building on site has been identified as having potential for roosting bats. It is recommended that any demolition of this building should be carried out in accordance with bat protection guidance.

- 3.48 No trees on site were assessed as being roost present or having high potential for roosting. Of the trees that were considered to have a moderate or low potential for bat roosting, none are scheduled for removal as a result of the proposed development. Should proposals change, it is recommended that these trees be retained and protected.

Great Crested Newts

- 3.49 The habitats present on site are of limited suitability for great crested newts. Consequently it was recommended that no further survey work is required nor a Natural England License be sought.

Other protected and notable species

- 3.50 No signs of any other protected species were observed, hence the report states no further recommendations need to be made.

Ecological Report Revisions - Dec 2013

- 3.51 Revisions regarding badger activity were made to the Preliminary Ecological Report and Badger Assessment Report in December 2013 as a result of concerns over potential piling methods. The revised report highlights that a Natural England license would be required should any 'vibro stone column' piling work commence. A timetable of work was put forward which identified the need for further badger surveys and the need to apply to Natural England for a license to undertake any works.

Ecological Report Revisions – Jan 2014

- 3.52 Further survey work was undertaken by the Mid-Derbyshire Badger Group in January 2014. The results of this survey work concluded that the site contained a complete social group of badgers.
- 3.53 Liaison took place between Access Ecology, the Mid-Derbyshire Badger Group and the Derbyshire Wildlife Trust to discuss the findings. It was agreed that the new survey work was robust and accurate and that there was a need to review the badger recommendations in the ecological reports. Access Ecology subsequently undertook this review.
- 3.54 The revised January 2014 prepared by Access Ecology confirmed the following:
- The site contains a badger sett complex.
 - Additional surveying is required to confirm the population size.
 - The current development proposals require the use of non-dynamic piling to form the foundations of the new building.
 - All of the setts observed are within 100m of the proposed piling area.
 - A Natural England (WMLA24) licence will be required to legitimise the proposed disturbance of badger setts.

- In order to avoid sett closure and retain the sett complex during the development it is proposed to use a test trench methodology.

Next steps

- 3.55 Natural England have been consulted on the initial and revised reports and they refer to their standing advice on protected species (in this case the 'Eurasian Badger' standing advice). This provides guidance on how local planning authorities should deal with the presence of badgers during the planning application process, including when mitigation and compensatory measures are required. The advice confirms that where interference with an active sett cannot be avoided, a licence should be sought from Natural England.
- 3.56 The Derbyshire Wildlife Trust and Mid-Derbyshire Badger Group have also been consulted on the revised reports and both organisations concur with the revised recommendations, including a preference for the badger setts to remain in their existing locations.
- 3.57 The Derbyshire Wildlife Trust considers that there is adequate information on badgers for the planning application to be considered and put forward a number of pre-development conditions should planning permission be granted. These include a requirement to check for the presence of recent new badger setts; the provision of a detailed badger method statement; a copy of a Natural England Badger Disturbance License; an ecological enhancement strategy; and a lighting strategy.
- 3.58 These requirements can be secured by planning condition. The main aim will be to ensure that, in line with policy CS9, there is no loss of biodiversity on site, and where possible, to ensure a net gain in quantity, quality or function.

Trees

- 3.59 The Annexe has considerable amenity value as a result of the parkland setting which includes a perimeter of mature trees and small pockets of woodland. Excluding access requirements, the development does not propose to impact on these areas. An Arboricultural Report has been submitted with the application. The aim of the report is to identify the types of trees on site, their condition and which trees might be impacted upon as a result of the proposed development.
- 3.60 The results of the surveys show that the trees are of generally good condition and have high amenity value. The report concludes that the proposed development should be achievable with minimal impact on the existing treescape.
- 3.61 As a result of vehicular and pedestrian access of Boythorpe Road however, the Council's Tree Officer is recommending that two trees are felled. This is because of the impact the new access will have on tree root protection areas. The loss of these trees can be replaced by new planting away from the access edge.
- 3.62 The Arboricultural Report also recommends that thirteen trees should be felled due to their poor condition (some of which present a health and safety hazard), not in order to facilitate the development. These are:

- Five to the west, adjacent to Park Road.
- One close to the proposed pedestrian access off Park Road.
- Three in the tree belt adjacent to the rear gardens of Summerfield Road.
- Four to the north-west, adjacent to the proposed cycle/pedestrian route.

3.63 The Council's Tree Officer has no objections to the majority of the proposed remedial works which promotes good arboricultural practice. But new planting should be carried out to compensate for any loss. This will add a new age structure and continue the existing tree coverage. He also recommends that three of the trees identified for felling are retained for the time being as they offer amenity value and are not easily accessible to the public. These trees can be monitored and replaced at a later date if required.

3.64 The Arboricultural Report makes a number of other recommendations, including:

- The need to erect protective fencing, including signs, around retained tree areas.
- A requirement to utilise particular construction methods and materials when working close to trees.
- The installation of a tree monitoring regime.
- A requirement to facilitate ongoing dialogue with an arboriculturalist, Chesterfield Borough Council and relevant contractors as development begins and progresses.

3.65 Overall, the Council's Tree Officer is supportive of the applicant's Arboricultural Report and has no objections to the proposal, subject to planning conditions which will ensure tree protection during development and new planting to compensate for any loss. These requirements can be secured by planning condition.

Heritage and Conservation issues

3.66 The proposal is adjacent to Queens Park, a designated heritage asset included on English Heritage's Register of Parks and Gardens of Special Historic Interest, Grade II*. The Park is also a designated Conservation Area and contains a number of listed buildings including the bandstand, conservatory, gates, piers and railings.

3.67 The National Planning Policy Framework is quite clear in stating that new development should preserve or enhance heritage assets and their settings. Paragraph 128 states that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting'.

3.68 Policy CS19 of the Local Plan; Core Strategy also states that new development must preserve the local character and distinctiveness of the areas in which it would be situated, including the protection of designated heritage assets such as Queens Park.

3.69 The applicant has provided a Heritage Impact Assessment to assess the impact of the proposal on Queens Park and its wider setting. The assessment identifies that the proposal would cause a modest degree of harm on the setting of Queens Park by virtue of a minor visual intrusion in winter months as trees shed their leaves. But

the assessment concludes that these adverse impacts could be mitigated by the introduction of appropriate landscaping to reinforce the existing tree belt and ensure an all-year-round screen.

- 3.70 The assessment also highlights that the proposed building has the potential to appear as an intrusive feature on the skyline in southerly views from within the Park, but that this is not likely to be conspicuous. Due to the topography, tree coverage and walled boundaries of Queens Park (which provide a sense of enclosure), views out from it are mostly skyline views. The massing, scale and screening of the proposal (e.g. the trees on the Boythorpe Road embankment) are such that impacts on the setting of Queens Park are not considered to be significant.
- 3.71 The Council's Conservation officer has been consulted on the proposal and he confirms that the application should be assessed against the relevant statutory and policy documents. These will confirm that decision-makers shall have special regard to the desirability of preserving the building or its setting. On the basis of the conclusions in the Heritage Impact Assessment the Conservation Officer has no objections to the proposal.
- 3.72 English Heritage have also been consulted, both on the planning application and the Heritage Impact Assessment. They confirm the designated status of Queens Park and highlight the sensitivity of Queens Park and the need to protect views from it. They consider the Heritage Impact Assessment to be a balanced and thorough document and concur with its findings. Consequently, they recommend augmented boundary planting is undertaken between Queens Park and the Annexe to help filter view across to the proposal. Subject to any ecologic requirements, this can be secured by condition.
- 3.73 Ultimately, when assessing the impacts of development on the setting of heritage assets, the local planning authority should consider whether the development would lead to 'substantial harm' of the heritage asset (NPPF, paragraph 133). The Heritage Impact Assessment concludes that any impacts would be minor in nature, not substantial. The Conservation Officer agrees with this assessment.
- 3.74 Local planning authorities should also consider how any impacts affect the public's perception or experience of heritage assets. Are the impacts of the proposal so distracting that they would prevent, or make difficult, an appreciation or interpretation of the significance of Queens Park (including the listed buildings within it)? On the basis of the evidence presented in the Heritage Impact Assessment, it is not considered that this would be the case.
- 3.75 Furthermore, any impacts, irrespective of how minor, should be balanced against the benefits of the proposal, when assessed against Local Plan or National Planning Policy Framework policies. Given that the proposal is consistent with policies relating to economic development (CS13, NPPF1), provision of social infrastructure (CS17, NPPF8) and locational requirements (CS1, CS2, NPPF 2), it is considered that benefits of the development outweigh any potentially minor adverse impacts on the setting of Queens Park.

Design and Impact on Surrounding Area

Building design

- 3.76 The design of the proposed sports centre building would be a modern and contemporary design, clad in modern facing bricks and horizontal/vertical louvres. The building is made up of four interconnected blocks, consisting of an entrance block (including sports and other facilities), a 6-court sports hall, a pool and café pavilion, and a central spine containing studios, changing facilities, a reception and plant areas. The height of the building ranges from 5.5 metres (the swimming pool/café section) up to 12 metres at its highest point (the Sports Hall parapet).
- 3.77 The design and access statement proposes that the remaining open space areas to the east and south of the proposed building could become zones for future sport or athletics activity, though this would be subject to further details.
- 3.78 The Council's Urban Designer supports the proposal and considers that it meets local and national policy requirements for design. He makes the following specific comments:
- The arrangement of blocks of differing heights results in a series of stepped roofs across the building, providing interest to the built form, but also serving to break up its bulk and mass (this helps to moderate its apparent visual scale).
 - Where pitched roofs are utilised (such as above the pool and sports hall) these have been disguised by the use of parapet walls, helping incorporate them into the design.
 - There is a consistent architectural language across the whole building in terms of its form.
 - The glass and light coloured panelling are proposed to complement the brick materials and help articulate its appearance - this approach will give the building a striking appearance.
 - The main entrance to the building is clearly legible and forms a strong focal point on the principal elevation.
 - The elevations are articulated well and create active frontages to the west and north facing elevations, allowing the activities within to be seen from outside, creating visual interest.
 - Whilst the east and south elevations are largely blank with limited overlooking of the surrounding grounds, windows have been inserted to address these spaces but it is accepted that a building of this nature will necessarily include some areas of blank frontage.
 - The spaces on the southern and eastern side of the building would have only limited surveillance from the sports centre hence the installation of CCTV may be appropriate.
 - The plaza at the entrance of the proposal could be a desirable location for the location of public art.
- 3.79 Overall he considers that the proposal will make a positive contribution to the character of the Borough in design terms. Due to the enclosed landscape around the Annexe, a distinctive design is capable of being accommodated without adversely the character of the locality, including the setting of Queen's Park.

Public Art

- 3.80 Policy CS9 of the Local Plan: Core Strategy requires applicants of major developments to provide public art as part of development proposals. The applicant's Design & Access Statement indicates that a public art scheme will be drawn up as part of the development proposals. Further details regarding the public art scheme can be secured by planning condition.

Sustainable design

- 3.81 In accordance with policy CS6 of the Core Strategy: Local Plan, which aims to promote sustainable design in buildings, the applicant has provided a summary of the approach to BREEAM in the Design and Access Statement, together with a formal pre-assessment indicating that a level of 'Very Good' will be achieved. Evidence to further meet this requirement can also be secured by planning condition.

Surrounding Properties

- 3.82 In accordance with policy CS2 of the Local Plan: Core Strategy, all developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account noise, odour, air quality, traffic, appearance, overlooking and shading.
- 3.83 The proposed building will be located on the level portion of the site on the area of the existing sports ground. The building footprint and car parking do not significantly impinge on areas within the site that are outside the existing football ground and running pitch, hence a large part of the Annexe site will remain undeveloped. Excluding access requirements, the development does not propose to impact existing tree coverage.
- 3.84 The existing railings surrounding the site are to be refurbished and replaced as necessary. There would be a combination of both hard and soft landscaping within the car park and entrance. Whilst the Design and Access Statement provides indicative landscaping, only limited details are currently provided. However the majority of the site is likely to remain unaffected with the main areas of change being around the proposed sports centre itself. Further details regarding planting, landscaping and the residual sports pitch area can be secured by condition.
- 3.85 Excluding one property to the south-west of the site (adjacent to Boythorpe Road) the Annexe is faced by the rear gardens of residential properties on Summerfield Road (including two on the corner of Summerfield Road/Boythorpe Road). The rear gardens of these properties are approximately 60-70 metres away from the proposed building footprint and look out onto a row of mature trees; hence they would be partly screened from views of the proposed sports building.
- 3.86 Whilst the property on Boythorpe Road is closer to the proposed building and car parking area - the rear garden boundary is approximately 40 metres away - there is open space and some tree cover which again provides a buffer.

- 3.87 Given the distance of the proposal, its design in blocks (which break up its mass) and its orientation at the bottom of a slope, it is not considered that there will be detrimental impacts upon resident amenity in terms of overlooking or loss of light to existing properties.
- 3.88 Views from residential properties adjacent to the Annexe will change as the result of the proposal, but given the orientation of the building (at the bottom of a slope), existing tree coverage and distance, it is not considered that the impacts are such that there will demonstrable harm to residents or that the proposal is inconsistent with policies CS2 and CS9 of the Local Plan: Core Strategy.
- 3.89 Some views onto the Annexe are currently of neglected and dilapidated former facilities and outbuildings. Given that the proposal would require their demolition, there will be visual improvements to those parts of the Annexe on which these buildings are located.
- 3.90 The car parking of the proposal is also at the bottom of the slope away from existing residential properties. The applicant is proposing 104 car parking spaces which is commensurate with a sports facility proposal of this size and consistent with the Council's car parking standards in the Local Plan: Core Strategy.
- 3.91 Any disturbance and noise generated from the car parking area is likely to be minimal and will not be inconsistent with noise levels already generated by traffic movements on the surrounding road network of Boythorpe Road, Summerfield Road and Park Road, as well as the existing Queens Park Sports Centre car park.
- 3.92 In accordance with policy CS2, any external plant or equipment would be located appropriately so that noise does not negatively impact on residents. The applicant has provided a noise assessment which assesses existing background noise levels on and around the Annexe.
- 3.93 The aim of the assessment is to ensure that adequate measures are implemented to prevent a disturbance from noise and that all noise generating plant and machinery are compliant with acceptable noise levels at nearby dwellings. The assessment would be used during the design phase of the proposal to ensure these objectives are met. The uses of the assessment for these purposes can be secured by planning condition.

Crime Prevention

- 3.94 The Crime Prevention Design Advisor has reviewed the application and has stated that he has no comments to make. Nevertheless, reflecting the advice of the Council's Urban Designer and in the interests of crime prevention, it is considered appropriate that a scheme for CCTV cameras be secured by condition.

Highways issues

- 3.95 In accordance with policy CS20 of the Local Plan: Core Strategy, the applicant has provided a Transport Assessment to assess the traffic impacts of the proposed development. The assessment indicates that the impacts of the development are

acceptable and there is capacity within the local highway network to accommodate new vehicle movements. A Framework Travel Plan has been submitted (a full Travel Plan can be secured by planning condition) and there are proposed routes for cyclists and walkers within the scheme. Both these measures will ensure that sustainable modes of transport are promoted and provided.

- 3.96 The applicant is proposing 104 car parking spaces. This is commensurate with a sports facility proposal of this size and consistent with the Council's car parking standards in the Local Plan: Core Strategy.

Highway access

- 3.97 Whilst the Highways Authority has no objection to the proposal, there are concerns about access onto Boythorpe Road. The level of driver visibility when exiting onto Boythorpe Road is diminished because of unregulated on-street car parking to the east of the highway access. This is long-term and consistent throughout the day. Some measure will be necessary to ensure that on-street parking does not impede emerging driver's vision.
- 3.98 The applicant's drawing (no.2023/G2/GA-106) proposes extending the no-parking restriction on Boythorpe Road to the south of the proposed site access for the length of the visibility splay (43 metres). The Highways Authority consider this to be an effective means of overcoming the visibility issue, but the introduction of a Traffic Regulation Order (TRO) will be required to implement the control measures.
- 3.99 The introduction and management of a TRO is a legal process managed and controlled by Derbyshire County Council. There will be statutory consultation with public bodies such as the emergency services and a public notice period will be required to give local residents and road users the opportunity to comment. Any representations received during consultation on a proposed TRO must be considered by Derbyshire County Council's Cabinet Member for Highways & Transport.
- 3.100 The Highways Authority state that the introduction of a TRO would only be required immediately prior to the proposed access being taken into use for its intended public purpose (i.e. they are not requiring it to be in place prior to commencement of development). During the construction period it is considered that alternative temporary traffic management measures would suffice and that a scheme showing these measures can be secured via condition.

Cycling & walking

- 3.101 In addition to the main Boythorpe Road Access, the applicant's proposals show pedestrian/cyclist access emanating from Boythorpe Avenue (to the south close to the Boythorpe Rd/Boythorpe Ave junction) and from Park Road (via a new gate to the south and further down from the existing car park). Discussions about potential access opposite the Queens Park entrance (off Boythorpe Avenue) have taken place between the planning authority and Highways Authority, but the latter confirm that this would be problematic due to impacts on mature trees and the existing topography.

- 3.102 Consideration was also given to the enhancement and widening of the existing footway along the south side of Boythorpe Avenue to assist shared pedestrian/cycle use. However the Highways Authority state the street lighting issues and effects upon trees and landscaping would frustrate this aspiration.
- 3.103 The Highways Authority would like more clarity regarding shared pedestrian/cyclist use from the east and stipulate that any pedestrian route should be 2m wide and any new shared pedestrian/cycle route should be 3m wide. This can be secured by planning condition.

Economic Impact

- 3.104 The Council's Economic Development Officer has been consulted and supports the application. It is considered that the proposed development will have positive economic benefits for the local area. The site is on the edge of the Rother ward, which is one of the borough's most deprived communities. The new centre would bring employment and training opportunities into the local community during construction and once the centre is operational. There would also be supply chain opportunities created during the construction phase.
- 3.105 A local labour/ supply chain clause can be secured by a planning condition. This will encourage local employment, training and supply chain opportunities during both the construction phase and the operational phase to promote the opportunities to local businesses and local people. It would also meet the economic objectives of the Joint Economic Development Strategy for Bolsover, Chesterfield and North East Derbyshire (2009-2014) and the Chesterfield Core Strategy 2011 – 2031.

Flood Risk , Drainage and Ground Conditions

Flood risk and drainage

- 3.106 The proposal is located in a Zone 1 area (a low probability flood risk zone) and there have been no objections to the proposal from the Environment Agency. In accordance with policy CS7 of the Local Plan: Core Strategy, a Flood Risk Assessment has been prepared. This confirms that the Environment Agency has no recorded knowledge of flooding on the site. Similarly, the Environment Agency do not indicate that the site will be susceptible to surface water flooding.
- 3.107 Given that surface water run-offs will inevitably increase as a result of development, there will be a requirement to demonstrate that this can be managed by sustainable drainage or other measures. Whilst the applicant has provided a preliminary drainage plan, further surface water calculations and a detailed designs can be secured by condition to ensure robust measures are in place.
- 3.108 Yorkshire Water have no objections to the drainage plans supplied by the applicant, subject to the normal requirements of adoption and ongoing management.

Ground conditions

- 3.109 The Coal Authority has confirmed that the application site falls within a defined Development High Risk Area (much of Chesterfield Borough and the surrounding area falls within this category due to the region's coal mining legacy).
- 3.110 In accordance with policy CS8 of the Local Plan: Core Strategy ground investigation reports have been prepared by the applicant. A mine shaft was found on site which was subsequently investigated. The applicant proposes to fully grout and cap the shaft in line with the Coal Authority's guidelines.
- 3.111 The Coal Authority have been consulted on the applicant's proposal to grout and cap the shaft and are satisfied that the remedial measures proposed are appropriate to address the coal mining legacy issues present on the site. The Coal Authority does not therefore object to the proposal. However, as is normal practice for development in High Risk Areas, prior to any development commencing, a Coal Risk Assessment will be required from the applicant. This will clarify any further remedial measures that may be required as a result of development. A Coal Risk Assessment can be secured by planning condition.
- 3.112 The Council's Environmental Services have also been consulted on the proposals – including the ground investigation reports - and they have no objections, subject to proper mitigation measures being put in place should they be required.

4.0 OBJECTIONS

Representations from Local Residents and Other Interests

- 4.1 A total of 56 letters and emails have been received from local residents objecting to the proposal, including an objection from Councillor Morgan. Representations have also been received from the Civic Society and the Chesterfield Cycle Campaign.
- 4.2 Some of the concerns raised by the public and local residents are not planning issues as such, as they tend to focus on the type of facilities within the proposed sports facility; the financial implications of the development; and existing covenants relating to the Annexe site.
- 4.3 Questions have also been asked about the future of the existing leisure centre site. Whilst this is of obvious concern to local residents, it is not the subject of the current planning application. Any redevelopment of the existing leisure centre would be the subject of a separate planning application with its own period of public consultation.
- 4.4 Detailed summaries received from local residents and the general public can be viewed at Appendix 2. The following provides a summary of the main concerns raised:

Local residents and the public

- The impact of the proposal on the surrounding highway network, including parking in residential areas.

- The consequences for ecology and wildlife of the site, including existing tree coverage.
- A concern over the loss of local green space in an urban area.
- Questions over the role of Chesterfield College
- A preference for the sports facility to be built on alternative Brownfield sites.
- Claims that there was a lack of ecology information when the planning application was submitted.
- Criticisms of the design and attractiveness of the proposed sports facility building.
- A concern over the loss of the existing Annexe sports pitch and running track.
- Questions about the sport facility's opening times and levels of activity, including the potential for nuisance and disturbance.

The Civic Society

- As students will be using the facility, it would be more logical to locate the proposal close to the college
- The Northern Gateway has more merit than the chosen site given its town centre location.
- The Annexe is a valuable green space in an urban area.
- Agree with the need for additional planting on the north side of the building with evergreen trees.
- Lighting columns should not be an obvious feature.
- Welcome well designed modern architecture but only if it fits well into the surroundings.
- Consider that the development does not use the slope of the land to good effect
- Windows in the north and east elevations of the building would help site security.
- The choice of walling materials is unfortunate and will not be welcoming.
- Red brick and/or terracotta materials would be more in keeping with the area.
- A legal agreement should be in place to ensure the demolition and restoration of the existing Leisure Centre and restore the site to its original condition as part of Queens Park.
- Recommend that the application be withdrawn pending consideration of other sites.

Chesterfield Cycle Campaign

4.5 Whilst the Chesterfield Cycle Campaign support the provision of cycling routes and cycle storage within the scheme, they have the following concerns:

- The proposal does not integrate into the Chesterfield Cycle Network (note: this is an emerging cycle network which aims to link cycle routes throughout Chesterfield with main hubs of activity such as schools, hospitals, etc).
- The proposed access of Boythorpe Avenue is unsafe.
- No cycle access from the east of the site is shown.

Response to objections

4.6 The following section addresses the concerns raised above according to the subject of concern.

Site location

- 4.7 In accordance with sequential testing and NPPF policy (paragraph 24) the applicant has demonstrated that there are a lack of appropriate alternative sites for a sports facility (see Appendix 1). Whilst the Annexe is not strictly within the Chesterfield town centre boundary, it is well related to it and the surrounding areas of population. It is therefore considered that the proposal is in a good location for public transport and is easily accessible. This supports policies CS2 and CS20 of the Local Plan: Core Strategy which seek to promote sustainable non-car modes of travel such as walking and cycling.
- 4.8 Further justification for the site's location is discussed above at paragraphs 3.27 to 3.30.

Loss of green space and sports pitch

- 4.9 The building footprint and car parking area do not significantly impinge on areas outside the existing sports pitch. Notwithstanding the new building will be a prominent and permanent addition to the Annexe, a large part of the green space and parkland setting will remain undeveloped.
- 4.10 Regarding the loss of the existing sports pitch, the proposal has been considered against policy CS9 of the Local Plan: Core Strategy. This requires that the applicant provide a new pitch to offset any loss. This can be secured by planning condition which is acceptable to Sport England.
- 4.11 Further discussion regarding the loss of the sports pitch is provided above at paragraphs 3.31 to 3.39.

Ecology

- 4.12 In accordance with policy CS9 of the Core Strategy Local Plan, surveys have been undertaken to ascertain the ecological value of the site. The Annexe had not historically been identified as containing specific types of ecological value, hence it has been allocated as a sports pitch for Local Plan purposes; the specific ecological value of the site became apparent during the planning application process.
- 4.13 As new ecological evidence was obtained, the applicant's consultants, in consultation with the Derbyshire Wildlife Trust and the Mid- Derbyshire Badger Group, carried out surveys and provided updated ecological reports. The Preliminary Ecological Report (Jan 2014) confirms that there is a significant badger presence on site, but that subject to proper mitigation measures and particular procedures being followed, permanent harm to badgers and their habitats can be avoided.
- 4.14 The report is also clear in stating that a Natural England licence will be required to legitimise the proposed works. In order to obtain this licence a suitable mitigation strategy would have to be submitted which must ensure the protection of badgers during any works. These requirements can be secured by planning condition.
- 4.15 Further discussion regarding ecology is provided above at paragraphs 3.40 to 3.58.

Design, Heritage and Resident Amenity

- 4.16 The designers of the proposal have made their intentions clear in designing a modern and contemporary building. Given that views on design can be subjective, modern architecture can polarise opinion, particularly when those proposals are in a sensitive area (which in this case is the setting of Queens Park as Grade II* listed historic park).
- 4.17 But given the massing of the building, the existing tree cover and the building's orientation at the bottom of a slope, it is not considered that the building will have an unacceptable visual impact on Queen's Park and the surrounding area, including adjacent residential properties.
- 4.18 Whilst the building relies on modern forms and materials, this is considered acceptable, given the separation and orientation of the building, as well as the screening provided by the existing physical and natural boundary treatments (Boythorpe Avenue and tree coverage).
- 4.19 The design of the building, including its orientation, has been properly considered and is consistent with policy CS9 of the Local Plan; Core Strategy and the NPPF (paragraph 60) which promote design innovation. The Heritage Impact Assessment demonstrates that subject to potential tree planting (this will be subject to any ecological requirements), the impacts on the setting of Queens Park will be minimal.
- 4.20 Given the distance of the proposal to residential properties and its orientation at the bottom of a slope, it is not considered that there will be detrimental impacts upon resident amenity in terms of overlooking or loss of light to existing properties.
- 4.21 Clearly, views from residential properties adjacent to the Annexe will change as the result of the proposal, but given the buildings orientation at the bottom of a slope and the existing tree coverage it is not considered that the impacts are such that there will demonstrable harm to residents
- 4.22 Specific concerns raised by the Civic Society can be dealt with by planning condition (e.g. lighting arrangements) or, regarding the future of the existing leisure centre, by a separate planning application.
- 4.23 Further discussion regarding heritage, the building's design and impact on resident amenity is provided above at paragraphs 3.66 to 3.93.

Transport impacts

- 4.24 In accordance with policy CS20 of the Local Plan: Core Strategy, a Transport Assessment has been prepared to accompany the planning application.
- 4.25 The report concludes that the existing junctions can be expected to operate well and not be a source of any additional hazard on the local road network. Consequently, any changes to the existing road network, other than the creation of the new access junction and the closing off of the current site access, are not required. Adequate parking will be provided on site and the site is well served by public transport.

- 4.26 A full and detailed Travel Plan will also be required by the applicant to demonstrate that sustainable transport measured such as walking, cycling and the availability of public transport are being promoted.
- 4.27 Subject to the implementation of a travel plan and suitable access, the Highways Authority is not objecting to the proposal. Consequently there are no transport-related reasons for refusing the planning application.
- 4.28 Further discussion regarding Highways issues is provided above at paragraphs 3.95 to 3.100.

Cycling

- 4.29 Regarding the proposed cycling access off Boythorpe Avenue, the Highways Authority is not objecting on safety grounds. Any alternative access further east along Boythorpe Avenue would be unacceptable due to the constraints caused by topography and the impacts any works would have on existing trees and on the ecological value of the site.
- 4.30 Further details regarding the design of cycle/pedestrian access - and how it can integrate safely with the immediate and strategic highway/cycle/pedestrian network - can be assessed when a detailed cycling/pedestrian scheme is received from the applicant. This can be secured by planning condition. The Chesterfield Cycle Campaign would be asked for their comments on the proposed scheme.
- 4.31 Whilst pedestrian access and a route is proposed from the east of the site (off Park Road) this does not show cycling provision. According to the applicant's consultant this is due to the topography of this area which is problematic for effective cycle provision. In order to achieve an appropriate gradient the profile of the route would have to meander beyond desire lines toward the proposed building.
- 4.32 The existing access off the car park and track leading from it into the Annexe would be maintained (as shown on the site 20223/A1-100/B). This may provide the opportunity for a shared cycling/walking. Further details can be assessed when a detailed cycling/pedestrian scheme is received from the applicant. Again, the Chesterfield Cycle Campaign would be asked for their comments on the proposed scheme which can be secured by planning condition.
- 4.33 Further discussion regarding cycling issues is provided above at paragraphs 3.101 to 3.105.

Role of Chesterfield College

- 4.34 It is not uncommon for local schools or colleges to have access to local sports facilities (including Parkside Community School's use of the existing Queen's Park Sports Centre). Moreover, the educational element of the proposal is considered to be ancillary to the main use of the building as a community sports facility available to the general public for a wide range of sporting and recreational activities.

4.35 As the proposal is located on the edge of the town centre, policy CS17 of the Local Plan: Core Strategy would support the co-location and multi use of the proposal for both leisure and education provision.

5.0 CONCLUSION

5.1 The principle of the development in terms of its location, uses and scale would be in accordance with the Local Plan: Core Strategy and National Planning Policy Framework policies CS1, CS2, CS15, CS17, NPPF2 (including sequential testing) and NPPF8.

5.2 The local impacts on amenity and the environment are considered acceptable subject to ecological mitigation and licensing requirements and would not conflict with Local Plan: Core Strategy and National Planning Policy Framework policies CS2, CS6, CS7, CS8, CS9, NPPF7 and NPPF11.

5.3 The loss of the existing sports pitch will be mitigated by new provision to compensate for its loss which is in accordance with Local Plan: Core Strategy Policy CS9 and NPPF8.

5.4 The effect of the new building on townscape and local character is considered on balance to be acceptable, the building achieving a reasonable balance between a locally distinctive contemporary design and sympathy to its context in accordance with Local Plan: Core Strategy and National Planning Policy Framework policies CS18, CS19 and NPPF12.

5.5 The impacts on the setting of Queens Park (a Grade II* Park and Garden of Special Historic Interest and designated Conservation Area) are considered to be minor, and any impacts are, on balance, to be outweighed by the social and economic benefits of the development.

5.6 The transport impacts and implications for travel patterns are considered acceptable subject to the introduction of a Traffic Regulation Order and further details regarding travel planning and walking/cycling access. This approach is consistent with Local Plan: Core Strategy and NPPF policies CS20 and NPPF4.

6.0 HUMAN RIGHTS ACT 1998

6.1 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme.

6.2 The objective of arriving at a decision is sufficiently important to justify the action taken over the period of the life of the application.

6.3 The decision taken is objective, based on all planning considerations and is, therefore, not irrational or arbitrary.

6.4 The methods used are no more than are necessary and required to accomplish the legitimate objective of determining an application.

6.5 The interference caused by a refusal, approval or approval with conditions, based solely on planning merits, impairs as little as possible with the qualified rights or freedoms of the applicant, an objector or consideration of the wider Public Interest. The applicant has a right to appeal any conditions imposed.

7.0 RECOMMENDATION

7.1 That the planning application be **GRANTED**, subject to the following conditions.

CONDITIONS

Time limit

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 Compensation Act 2004.

Revised drawings and plans

2. The development shall be carried out in accordance with the approved plans as follows:

Plans	Reference Number
<u>Floor plans</u>	
Ground Floor Plan	20223/G2/GA-100
First Floor Plan	20223/G2/GA-101
Roof Plan	20223/G2/GA-102
<u>Elevations</u>	
North & South	20223/G2/EL-200/B
West & East	20223/G2/EL-201/B
<u>Building Sections</u>	
Sections A, B & C	20223/G2/SE-300
Sections D, E & F	20223/G2/SE-301
<u>Site Layout</u>	
Site Plan	20223/A1-100/B (Revised)
Car Park & Highways Plan	20223/G2/GA-106 (Revised)

Reason: In order to clarify the extent of the planning permission.

Materials and boundary treatments

3. Types and samples of all facing, boundary treatments, roofing and surfacing materials shall be submitted to and be approved in writing by the local planning authority before the development hereby permitted (with the exception of demolition works) commences, and the development shall be constructed in the approved

materials and retained as such thereafter.

Reason: In the interests of visual amenity, local character, the setting of Queens Park and to accord with policies CS18 and CS19 of the Local Plan: Core Strategy.

Planting, landscaping and tree protection

4. Prior to the development hereby permitted commencing, details of soft landscaping proposed for the scheme, including which trees/shrubs are to be retained/removed shall be submitted to the local planning authority for approval. The scheme shall acknowledge and refer to:

- a) The findings and recommendations in the ecological mitigation scheme required under condition number 10 of this decision notice.
- b) The findings and recommendations of the applicant's Arboricultural report by Acorn Environmental Management Group (October 2013).

Consideration should also be given to how the planting and landscaping scheme can reinforce the existing tree belt along the northern side of the Queen's Park Annexe. Reinforcements should only be proposed if it can be demonstrated that there will be no negative impacts on the ecological value of the site in line with the ecological mitigation scheme required under condition number 10 of this decision notice.

Only those details or any amendments to those details as may be required, which receive the written approval of the local planning authority shall be implemented on site. The soft landscaping details shall also include planting plans, an implementation programme and a schedule of landscape maintenance for a minimum of five years. Those details, or any approved amendments to those details, shall be carried out only in accordance with the approved implementation programme.

Reason: In the interests of the amenity, ecological protection, the setting of Queens Park and to accord with policies CS9, CS18 and CS19 of the Local Plan: Core Strategy.

5. Prior to the development hereby permitted commencing, details of tree protection proposed for the scheme shall be submitted to the local planning authority for approval. The scheme shall ensure that:
- a) The findings and recommendations in the ecological mitigation scheme required under condition number 10 of this decision notice are acknowledged and referred to.
 - b) Trees are protected by fencing during site clearance and construction by using protective fencing as shown in appendix 2 of the applicant's Arboricultural report by Acorn Environmental Management Group (October 2013).
 - c) Protective fencing is consistent with that shown on drawing 0001 Rev 1 titled BS5837 TPP of the applicant's Arboricultural report by Acorn Environmental Management Group (October 2013).
 - d) Above ground construction and hand digging within the Root Protection Areas are used as stated at sections 3.2.12 & 3.2.13 of the applicant's Arboricultural report by Acorn Environmental Management Group (October 2013).

- e) Cellular confinement and ground protection systems are used to avoid any compaction and root severance on root protection areas as shown on drawing 0001 Rev 1 titled BS5837 TPP of the applicant's Arboricultural report by Acorn Environmental Management Group (October 2013).
- f) 'Specialist Construction Methods' at section 4.9 of the applicant's Arboricultural report by Acorn Environmental Management Group (October 2013) are adhered to.
- g) Any changes in land levels within the root protection areas of the tree on site as outlined in 4.0 Arboricultural Method Statement in the Arboricultural report by Acorn Environmental Management Group (October 2013) are identified.
- h) Ground protection and hand digging is used in the vicinity reference T128 (Tag106), T139 (Tag 123), T140 (Tag 124) and trees within G1 on the Boythorpe Avenue Boundary as shown on drawing 0001 Rev 1 titled BS5837 TPP in the applicant's Arboricultural report by Acorn Environmental Management Group (October 2013).
- i) An arboricultural consultant is present on site during operations within the root protection zones.
- j) A plan is provided which shows the locations and runs for any services, including electricity, sewage and main water to avoid any root protection areas of trees.

Reason: In the interests of tree protection, amenity, ecological protection, amenity, the setting of Queens Park and to accord with policies CS9, CS18 and CS19 of the Local Plan: Core Strategy.

- 6. Protective fencing for trees and their root protection areas shall remain in situ for the duration of the development as will signs erected on the fencing to inform the on-site contractors of the importance of the fencing barriers for tree protection.

Reason: In the interests of tree protection

- 7. There shall be no mechanised excavations, movement of construction traffic, storage of materials, storage of chemicals or fuel and no fires to be lit in close proximity to trees.

Reason: In the interests of tree protection

- 8. Any tree works proposed to facilitate the development should be carried out to BS3998 Tree Works-Recommendations 2010.

Reason: In the interests of tree protection.

Lighting scheme

- 9. Prior to the development hereby permitted commencing, detailed proposals for an external lighting scheme shall be submitted to and approved by the local planning authority in writing. The scheme shall be developed in accordance with any lighting design requirements contained in the ecological mitigation scheme required under condition number 10 of this decision notice.

The scheme shall also include:

- a. A site plan showing the proposed locations and heights of the luminaires.
- b. Full details, including pictures, of the luminaires to be installed.
- c. A site plan plotting the existing and predicted illuminance levels (Lux) across the site and both horizontal and vertical overspill outside the site boundary over neighbours rear amenity spaces and on selected facades of neighbouring dwellings and properties.
- d. Details of the measures to be taken for the avoidance of glare.
- e. Details of the power source, i.e. mains or generator.
- f. Operating times.
- g. Intensity of illumination and power of light sources.
- h. Angle and direction of beam of light from luminaires.

External lighting shall not be used on the site unless it accords with the scheme so approved in writing by the local planning authority.

Reason: To safeguard the ecological interest of the site, protect resident amenity and to accord with policies CS2 and CS9 of the Local Plan: Core Strategy.

Ecological mitigation scheme

10. Prior to the development hereby permitted commencing, including any works of site clearance or demolition, a scheme of ecological mitigation must be submitted to the local planning authority for approval. The scheme must be consistent with the outline mitigation strategy contained in the applicant's Badger Assessment Report (Revised January 2014).

Reason: To safeguard the ecological interest of the site and to accord with policy CS9 of the Local Plan: Core Strategy.

Piling

- 11 Piling or any other foundation design using penetrative methods shall not be permitted other than with express written consent of the local planning authority.

Any piling proposals shall be developed in accordance with any requirements contained in the ecological mitigation scheme required under condition number 10 of this decision notice. No works shall commence on site, including demolition or site clearance, until a copy of the Natural England Badger Disturbance Licence has been submitted to and acknowledged by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the ecological interest of the site and to accord with policy CS9 of the Local Plan: Core Strategy.

Construction access and plant /material storage

- 12 Prior to the development hereby permitted commencing, a scheme shall be submitted to the local planning authority for prior written approval indicating the

proposed means of construction access to Boythorpe Road (including temporary traffic management) together with on-site provision for parking and manoeuvring of site operatives and visitors vehicles, storage of plant and materials, site accommodation and the loading, unloading and manoeuvring of construction vehicles, the approved scheme being implemented prior to any other operations commencing excluding demolition and site clearance and being maintained throughout the contract period.

The scheme shall be developed in accordance with requirements contained in the ecological mitigation scheme required under condition number 10 of this decision notice.

Materials must not be stored within designated root protection areas in accordance with the Arboricultural Method Statement of the applicant's Arboricultural report , section 4.0, by Acorn Environmental Management Group (October 2013).

Reason: In the interests of highway safety, resident amenity, ecological protection and to accord with policies CS2 and CS9 of the Local Plan: Core Strategy.

Travel Plan

13. Prior to the development hereby permitted commencing, a Travel Plan shall be submitted to the local planning authority for prior written approval identifying the monitoring regime and timetable for travel mode surveys (including baseline data collection), modal shift targets and reporting proposals for the management and development of the Travel Plan (including identification of the Travel Plan manager) throughout the life of the development.

Reason: To promote sustainable travel and to accord with policy CS20 of the local Plan: Core Strategy.

Access (TRO requirement)

14. The development hereby permitted shall not be occupied for public use until a Traffic Regulation Order has been made by the Highway Authority to extend parking restrictions on Boythorpe Road and the access has been laid out, constructed and provided with visibility splays as shown on drawing number: 20223/G2/GA-106.

Reason: In the interests of highways safety.

Cycling and pedestrian access

15. The development hereby permitted shall not be occupied for public use until a pedestrian and cycle scheme (in accordance with the site plan 20223/A1-100/B (Revised)) has been submitted to the local planning authority for approval and agreed in writing and then implemented. Pedestrian routes shall be 2m wide and shared pedestrian/cycle routes should be 3m wide. The scheme shall indicate the detailed arrangement of the points of access between the pedestrian/ cycle routes and the existing public highway including levels, gating arrangements, materials and drainage. It shall also include details about cycle storage.

The scheme shall be developed in accordance with requirements contained in the ecological mitigation scheme required under condition number 10 of this decision notice.

The scheme shall be implemented without affecting the surrounding trees and their rooting environment as shown on drawing 0001 Rev 1 titled BS5837 TPP in the applicant's Arboricultural report by Acorn Environmental Management Group (October 2013).

Reason: In the interests of highway safety, ecological and tree protection and to accord with policies CS9 and CS20 of the Local Plan: Core Strategy.

Access/footway closure

16. Within 1 month of the proposed new site accesses being available for use, any existing access to the site shall be permanently closed and any footway crossover reinstated in accordance with a detailed design to be submitted to the local planning authority for prior approval.

Reason: in the interests of highway safety.

Access restriction

17. With the exception of the accesses, the subject of conditions 8, 10 and 11 above, there shall be no other means of access, either pedestrian or vehicular between the application site and the public highway unless approved otherwise in writing by the local planning authority.

Reason: in the interests of highway safety.

Parking, turning and loading

- 18 The development hereby permitted shall not be occupied for public use until a scheme (in accordance with the car park and highways plan 20223/G2/GA-106 (Revised)) has been submitted to the local planning authority for approval and agreed in writing which shows parking (including secure cycle parking); turning of staff and visitor's vehicles; picking up and setting down of passengers; the access; and the loading, unloading and manoeuvring of service and delivery vehicles. The scheme shall also show proposed surfacing and drainage. There shall be no public use of the building until the scheme is implemented.

The scheme shall be developed in accordance with requirements contained in the ecological mitigation scheme required under condition number 10 of this decision notice.

Reason: In the interests of highway safety and policy CS9 of the Core Strategy: Local Plan.

Sewage and drainage

- 19 Unless otherwise approved in writing by the local planning authority, no building or permanent structure with the exception of hard surfacing, shall be located over or within 3 metres either side of the centre line of the sewers that cross the site i.e. total protected strip widths of 6 meters per sewer, that cross the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

- 20 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.

- 21 Prior to the development hereby permitted commencing, including site clearance or demolition works, a scheme showing the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works or any Sustainable Urban Drainage Techniques, have been submitted to and approved in writing by the local planning authority.

The scheme shall be developed in accordance with requirements contained in the ecological mitigation scheme required under condition number 10 of this decision notice.

Reason: To ensure that no foul or surface water discharges take place until proper and sustainable provision has been made for their disposal and to accord with policy CS9 of the Local Plan: Core Strategy.

- 22 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper and sustainable provision has been made for their disposal.

Coal Risk Assessment

23. Prior to the development hereby permitted commencing (with the exception of demolition operations) a 'Coal Risk Assessment' of the site including details of any necessary mitigation shall be submitted to the local planning authority for its consideration. The development shall not commence until the local planning authority has given its approval in writing to the assessments and any necessary mitigation. The development shall only be carried out in accordance with the approved details and mitigation.

Reason: In the interests of public safety and to accord with policy CS8 of the Core Strategy: Local Plan.

Local Labour

24. Prior to the development hereby permitted commencing an Employment and Training Scheme shall be submitted to the local planning authority for approval and agreed in writing. The scheme shall contain a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development and in the operation of the development.

Reason: To promote local economic development and to accord with policy CS13 of the Local Plan Core Strategy

BREEAM

25. Prior to the development hereby permitted commencing, evidence that the building will achieve a minimum BREEAM 'Very Good' rating, or equivalent, shall be submitted to the local planning authority, unless otherwise agreed in writing by the local planning authority.

Reason: To promote sustainable development and to accord with policy CS6 of the Local Plan: Core Strategy.

Percent for Art

26. Prior to the development hereby permitted commencing, unless otherwise agreed in writing by the local planning authority, details of the percent for art proposal to be provided on site shall be submitted to the local planning authority for consideration. The percent for art proposal shall include details of the procurement process, its implementation and the maintenance programme. The details approved in writing by the local planning authority shall be implemented in accordance with the implementation programme and retained as such thereafter unless otherwise agreed in writing by the local planning authority.

The scheme shall be developed in accordance with requirements contained in the ecological mitigation scheme required under condition number 10 of this decision notice.

Reason: To promote local art and to accord with policy CS9 and CS18 of the Local Plan: Core Strategy.

Loss of existing playing pitch

27. Prior to development commencing, an alternative playing field, to replace the loss of the playing field on the development site, shall be provided and made available for use in accordance with a scheme (addressing the location, quantity, quality, management and maintenance of the replacement playing field) previously submitted to and approved in writing by the local planning authority.

Reason: In accordance with policy CS9 of the Local Plan: Core Strategy

Opening time restrictions (including the café)

- 28 Unless otherwise agreed in writing by the local planning authority, the premises hereby granted planning permission shall not be used outside the hours of 06:30hrs to 22:00hrs Mondays to Fridays and from 08:00hrs to 18:00hrs on Saturdays and Sundays.

Reason: In the interests of resident amenity.

Construction time restrictions

29. Unless otherwise agreed in writing by the local planning authority construction work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason: In the interests of resident amenity

CCTV

30. Prior to the development hereby permitted being occupied, a scheme showing the type and location of any proposed CCTV cameras must be submitted to the local planning authority for approval. The scheme must be implemented prior to the public use of the building.

Reason: In the interests of community safety.

External plant and equipment

31. Prior to the development hereby permitted commencing, a scheme showing the location of proposed external plant and equipment, including any air conditioning units, should be submitted to the local planning authority for approval. The scheme must take into account any noise generated by the plant and equipment and refer to the findings in the applicant's background noise assessment (called An Assessment of Background Noise Level in connection with a proposed Leisure Centre Development, July 2013).

Reason: To protect resident amenity and in accordance with policy CS2 of the Local Plan: Core Strategy.

INFORMATIVES

01. Pursuant to Sections 184 and 278 of the Highways Act 1980, no works shall take place within the public highway in connection with the formation or reinstatement of any vehicular footway crossover without the prior formal consent of the County Council as Highway Authority. Depending upon the nature of the proposed works, the applicant is advised to allow between 6 and 12 weeks in any programme of works to obtain the necessary approvals. Further advice about the technical requirements, costs and other processes may be obtained from the Strategic Director of Economy Transport and Environment at County Hall, Matlock (ask for Graham Hill).
02. The extension of parking restrictions on Boythorpe Road will require the preparation of a Traffic Regulation Order prior to the restrictions being introduced. For further advice about the costs, processes and likely timescales for these Orders, please contact the Strategic Director of Economy Transport and Environment at County Hall, Matlock (ask for Simon Tranter).
03. Further advice regarding the preparation and implementation of Travel Plans may be obtained from the Strategic Director of Economy Transport and Environment at County Hall, Matlock (ask for Richard Lovell). The applicant is advised that the Highway Authority will normally seek to recover its costs associated with the assessment of the periodic submission of Travel Plan monitoring reports by the developer for a period of 5 years post commencement and to allow up to £1,000 per annum for this purpose.
04. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all reasonable precautions to ensure that mud and other extraneous material from within the site is not carried out and deposited on the public highway. Where this does occur, the Highway Authority may be obliged to carry out street cleansing activity (where the applicant fails to do so) and recover the cost from the applicant.
05. Pursuant to Section 163 of the Highways Act 1980, the applicant must take measures to ensure that surface water run-off from the site is not permitted to discharge across the footway by installing suitable channels or gulleys connected to drainage systems within the site.
06. The applicant is advised that under the Site Waste Management Plans Regulations 2008 (statutory instrument no. 314) a Site Waste Management Plan is required for the duration of the site preparation and implementation of any development where development costs exceed £300,000. For further information please contact the Environment Agency or visit <http://www.netregs.gov.uk/netregs/legislation> (waste legislation).
07. 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.

- 08 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.

APPENDIX 1: SEQUENTIAL TESTING

Alternative Sites for Sports Centre

To accord with local and national planning policy, a summary of potential locations for a replacement Sports Centre around Chesterfield Town Centre has been provided. A map showing the location of potential alternative sites is included.

Brimington Road/A61: Waterside

The outline planning permission for the Waterside development (CHE/09/00662/OUT) allows some small scale leisure uses within the development, though not to the scale of the existing provision at Queens Park Sports Centre. Although the site is in private ownership, the development is being brought forward in partnership with the borough council. The size of space required would displace higher value uses proposed for the site, affecting the viability of the Waterside scheme as a whole.

Town Centre: Northern Gateway

A sequentially preferable site for a Sports Centre. However the site is already allocated for a foodstore and comparison retail and the process of seeking a development partner is already underway. Higher value uses such as retail and commercial are being sought for development in order to secure a viable scheme. Inclusion of a new Sports Centre would affect the viability of the overall development scheme by displacing these uses.

Robinsons (Land South of Chatsworth Road)

The site is allocated for residential development within the Local Plan and is located some distance from the town centre. The site is in private ownership, the council would need to acquire land and would be competing with higher value uses. Other constraints such as listed buildings and flood risk would put further burdens on a potential Sports Centre.

Donkins UEF, Derby Road

Vacant site has an existing outline planning permission for an office development. The site is constrained by grant funding tied to the provision of office floorspace so a change of potential use on site (e.g. a Sports Centre) may result in the Council being in breach of former agreements.

Saltergate Clinic / NEDDC

This site is sequentially suitable, with close links to the town centre. The site is not in CBC ownership, however, and the council would need to acquire land and would be competing with higher value uses affecting the viability of a leisure development.

Clayton Street

This site is not sequentially preferable, currently identified as an existing business and industrial area in local plan. The site is in private ownership and the council would need to acquire land. The site is identified in the council's Strategic Flood Risk Assessment as high flood risk, with parts of the site functional floodplain. Development in such areas is subject to a sequential test which would require evidence that all other sites (including the option of rebuild on site), were not

available before this site could be considered. Viability of a leisure development would be affected by the need for flood mitigation measures.

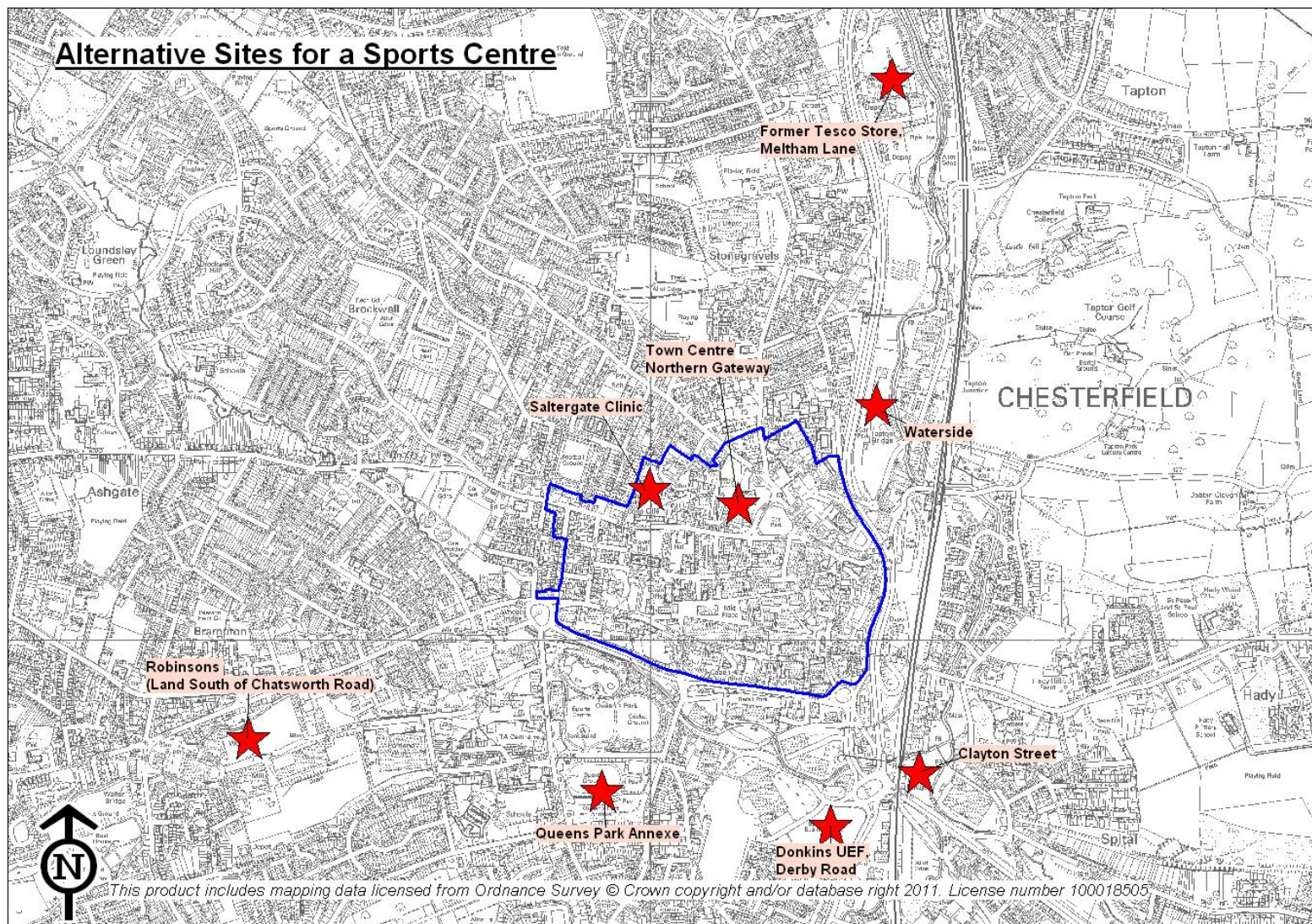
Former Tesco, Meltham Lane

The site is not sequentially preferable as it is not in a town centre or on the edge of a centre, and is served by limited public transport options. The site is in private ownership, hence the Council would need to acquire land and would be competing with higher value uses.

Existing Leisure Centre on Boythorpe Road

Given that the proposal would be adjacent to the existing leisure centre, it is not strictly necessary to include it as part of sequential testing. However, for the sake of completeness it has been included. The applicant has stated that, due to the construction methods and space arrangements of the existing building, the construction of a modern leisure centre is not practical or financially viable.

Alternative Sites for a Sports Centre



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APPENDIX 2: DETAILED SUMMARY OF LOCAL RESIDENT AND PUBLIC REPRESENTATIONS

- 1.0 An email has been received, no address given, commenting that the whole idea is ridiculous when the eight figure sum proposed to be spent to save a few thousand pounds will not cover the interest of loans taken out to build the new centre. All the plans point to an inferior centre to what is currently on offer. They agree that the current centre is tired but it would make more sense and be cheaper to refresh it where it currently stands. One way to save money would be to reduce the depth of the swimming pool by approximately two feet reducing the water heating costs, and by updating the water heating system and adding extra solar panels.
- 1.1 Occupants of 142 Park Road comment that one of the main reasons for purchasing their property was for the view as they assumed the Annexe would not be redeveloped but hoped the running track would be upgraded and the changing rooms would continue for schools to use for sports days. They are saddened to find that the covenant placing the land into public care can be so easily overtaken. The four thousand plus signature petition that the people of Chesterfield have raised shows the strong feeling against this proposal. Comments have been strongly made about losing this facility and questions raised as to why it had been allowed to become neglected. It is obviously being used and would benefit the community to be refurbished with the same facilities. Another major issue is the problem with the levels of traffic and parking. They are unable to park their car, along with their neighbours, between the hours of 8.30 until 6pm due to the volume of cars using Park Road and surrounding area taking up the parking spaces available. When the pay and display car park at the corner of the Annexe was proposed they were assured of residents parking only on the stretch of road at the side but this was a false promise. The Ravenside development parking is a nightmare and traffic is horrendous with no consideration for local residents. The public use the surrounding roads for parking and this will become worse if the development goes ahead with students also wanting to park and this going on even later in the day due to the hours of opening. They can see no good reason why the current leisure centre cannot be refurbished at a greatly reduced cost compared to a new build and in these times of austerity it seems obscene to allow the proposal to go ahead.
- 1.2 A further e-mail has been received from occupants of 142 Park Road commenting on the revised plans submitted. They state that the goal posts have already been moved and they feel that if planning is granted the building location may well change again. They are concerned about the loss of the green space and consider the site should be upgraded to enable its future use for sporting facilities for schools, etc. The land was gifted and a covenant placed for leisure use. Volunteers could be used to get the Annexe up to scratch. They have concerns about opening times and potential anti-social behaviour. Where is the money coming from? It can't be afforded or justified. Why has the building been moved from the original plans and what will happen to the existing site? The current traffic situation is horrendous. On-street parking will be exacerbated. The costing does do not include demolition costs or the cost of the barrister who was engaged to change the covenant. The general

fear is that this is a foregone conclusion and that it will go ahead, but the application should be rejected and the public listened to.

- 1.3 Occupants of 10 Summerfield Road have commented that they strongly object to the application and a new sports facility is not needed as one is already there which just requires repair and decoration. The cost would be a burden for council tax payers for years to come. The double loss of green space and an athletics track would be criminal. Green spaces are rare in Boythorpe and there are no other athletic tracks nearby for use by the general public. The green space is inhabited by badgers, owls and dozens of other birds and the constant interference and noise from the proposal would scare them away. Boythorpe Road is already busy and the new building would attract more cars and coaches. They would find it difficult to gain access as the road narrows at this point. Any overspill parking will be directed onto already car filled streets causing a hazard and annoyance. They fear for the lack of privacy this building will cause and the possibilities of public encroachment upon their property. Over the years they have valued the peace of the Annexe and it has encouraged many families to settle there.
- 1.4 Further comments received from the Occupants of 10 Summerfield Road note that there are covenants on the land for public pleasure and not education and CBC are going against this and it should not be allowed. They object to the loss of green space and athletics track and football pitch and these will be a loss to local residents and organisations and ask where they will be replaced. There will be a detrimental effect on wildlife and humans in the area and the car park will create noise and pollution and those not able or willing to pay will park on the streets nearby. The access point on Boythorpe Road is a safety hazard as the road at that point is narrow and steep. The proposed building will be a blot on the landscape and will cause 24 hours noise and pollution from heating and air conditioning as well as lighting. The potential athletics track and trim trail are a pathetic substitute for the loss of the athletics track. There are trees which will be lost to provide site entry and they ask about the security of the area and ask what will be in place to keep people out, or will it be open 24 hours. The development is not needed and will destroy outlook for residents of Summerfield Road that they have had for 80 years. When it's gone it's gone and rate payers will pay for the next 20 years and they ask for some common sense from those making the decision.
- 1.5 An e-mail has been received from a local resident, no address given, which comments that the visual effect and aesthetic nature of the building does not fit with its surroundings. The loss of green space and loss of the panoramic view of the town centre will affect the character of the neighbourhood. Highway safety is of concern with increased pressure on the existing junctions close to Boythorpe Road with the potential of up to hundreds of students a day using the centre throughout the academic year, many using cars, bicycles and buses. The potential for the existing leisure centre to be stood derelict whilst the new one goes ahead would result in a blot on the landscape. If the existing leisure centre is demolished and nothing replaces it then air and noise pollution from Boythorpe Road will impact on the park and the visual impact from the park looking west would be awful. If the leisure centre is demolished and nothing replaces it the lack of infrastructure/shelter has potential to be detrimental to wildlife in the park. The associated conservation area will also suffer

from increased litter and noise and the increase of students over the next twenty-five years.

- 1.6 Occupants of 36 Summerfield Road comment that they object to the loss of green space in Chesterfield's heart and although currently underused it could be used much more imaginatively for the benefit of residents. The space is a haven for wildlife providing a valuable habitat and home for many, including badgers and foxes. The building on this plot will remove the majority of the green surface increasing run-off, removing habitat and despoiling a public amenity. In their view the assumptions contained in the proposal are over-optimistic and revenue projections flawed. There is a real danger that the centre will become uneconomic due to its small scale and increasing competition amongst providers at the lower end of the gym market. It is unlikely that the swimming facility would ever be a profitable enterprise without support from other activities. If the building becomes uneconomic then a future use restricted to the college would probably be in breach of covenants on the land. The proposal seems to be an expedient solution to two problems faced by the authority; the Annexe: vandalism, cost and lack of utilisation and Queens Park: age, cost and scale. The failure of the strategy is in not exploring other options to find an optimum solution that doesn't have such a high cost in strategic terms. There are many brownfield sites in Chesterfield that would provide an equally suitable position for the new facility without the loss of the Annexe amenity.
- 1.7 A resident of the borough, no address given, comments that they believe the information provided with the application is incomplete, as indicated by English Heritage in their response dated 11.11.13. Consequently any evaluation of additional information requested cannot be considered by interested parties as the timeframe to respond does not allow this, thus creating a less than appropriate process.
- 1.8 Occupants of 58 Broomfield Avenue comment that there are many material considerations to object to over the current plans which have been highlighted on websites and social media over recent months. These are not included in the consultation documents which seem to be geared to a private planning application rather than to the changes of use of land assigned as a park and green space for the benefit of the whole community. They state that they trust the considerations voiced by local residents will be included and will lead to the rejection of the application.
- 1.9 Two letters from occupants of 26 Summerfield Road comment that they feel strongly that the proposed design has an adverse visual effect on the immediate surrounding area. The existing land is open park and in their opinion should not be built on except to improve and serve existing facilities. The design is aesthetically poor and will be a blot on the landscape. The existing leisure centre with its stunning glass frontage is a major feature of Queens Park and should be refurbished to provide modern facilities with improved energy efficiencies. They find it hard to believe that the current budgeted cost of 8.5 million will provide nothing more than a flat pack Ikea solution and at the same time ruining the visual effect of this park land area. There are many varieties of wildlife in their natural habitats on the site and the considerable increase in noise, light and both human and vehicle traffic is obviously going to force a lot of this wildlife to leave its habitat. This will also be compounded during construction of the building with heavy plant and machinery.

- 1.10 Further comments have been received from occupants of 26 Summerfield Road to the revised plans submitted. They comment that there will be an adverse effect on local wildlife, even more now that the building has been moved nearer to the area of trees at the top of the bank which has a variety of wildlife. They overlook the parkland and have observed many different species of wildlife in their natural habitat. The increase in noise, light and human/vehicle activity is going to force the wildlife to leave its habitat and this will be compounded during construction. The design will have an adverse visual impact on the immediate surrounding area. The design is aesthetically poor and will be a blot on the landscape of the surrounding park land. The existing parkland is open space and should not be built on. The existing centre with its stunning glass frontage is a major feature of Queens Park and should be refurbished to provide modern facilities with improved energy efficiencies. The find it hard to believe that for the current cost of 8.5 million pounds the proposal is nothing more than a flat pack Ikea solution and at the same time ruining the visual effect of the park.
- 1.11 Occupants of 6 Summerfield Road comment that they have no objection to the new leisure centre in principle but do object to the construction and siting of the new pedestrian access from Park Road. There is adequate access to the leisure centre site only a few yards away from the proposed pedestrian access i.e. via the car park at the junction of Park Road/Boythorpe Road. This access could be incorporated into the scheme at little or no cost to ratepayer. The proposed pedestrian access will render Summerfield Place site and ground floor apartments vulnerable to criminal trespass and the new access will act as a magnet and meeting point for anti-social elements. It will exacerbate on-road parking congestion which already exists around the junction of Park Road/Summerfield Road. Due to poor visibility, road narrowing and the fact that it is a bus route, road safety is an issue.
- 1.12 Occupants of 16 Summerfield Road object to the wording of the consultation letter which sets out what are material planning considerations. The properties on the Annexe side of Summerfield Road have an excellent view of a tree lined green playing field with wildlife in abundance and a magnificent unspoiled view of the town centre. The proposal will replace this view with a blot on the landscape and will generate noise, traffic and light pollution with disturbance from early morning till late at night with no respite. People visiting the centre will park on the surrounding streets thus threatening their privacy from the front and rear with further disturbance following the creation of a sports pitch adjacent to the centre, no doubt including floodlights. They appreciate the need to utilise the Annexe more fully but state that there are other ways to achieve this without a costly new leisure centre spoiling yet another green part of Chesterfield. It would appear that the Council are set on building a new leisure centre even though there have been over four thousand objections. The costings and reasoning are not convincing. No mention has been made of what is intended for the existing centre if the new one goes ahead and it is difficult to accept that there is no idea of what will happen to this. Their preferred option is to save and upgrade the Annexe and maintain the existing leisure centre.

- 1.13 An e-mail has been received, no address given, commenting that Chesterfield has some handsome black and white buildings and whilst the west and north elevations reflect this, the south and east elevations are ugly. These are the ones which will be seen by the users of the Annexe and residents of Summerfield Road and Park Road who will be confronted by blocks of black brick and metallic silver panels, although this will be screened by trees when in leaf. The rest of the Annexe is to be used for sporting facilities: surely this will not provide a suitable backdrop especially if the metallic silver is reflective. The red brick the present sports centre is reasonably attractive when seen from Queens Park and does not handicap players of ball games. The travel document submitted is incorrect in respect of bus timings. The bus stops are located such that they are dangerous for those crossing as a pedestrian has to be aware of traffic travelling in four directions at once.
- 1.14 Occupants of 37 Ashgate Valley Road comment that the character of the neighbourhood would be seriously and adversely affected. Currently the Annexe provides a rural feel close to town and is a home for wildlife and offers a significant green space. There will be light pollution and significant highways issues created by the proposals. The open aspect of the Annexe would be lost forever and they understood that there were restrictions on use of the land when it was gifted to the people of Chesterfield. The opportunity to redevelop the running track will also be lost and future generations of athletes will be further away from the prospect of facilities. Chesterfield must be the largest town in England without a synthetic track. Many of the planned facilities are lacking with swimming and diving being affected and the planned usage by students will create environmental issues of littering and anti-social behaviour. They have concerns regarding plans for the existing centre and they assume there are conditions on usage which would prevent commercial or housing development. To lose the existing building would affect the beauty of the park and its loss would allow views of the buildings on the west side of Boythorpe Road; so much for the most beautiful cricket ground in the world. All these issues have not been properly considered in the undue haste that these plans are being forced on the town.
- 1.15 Occupants of 110 Langer Lane, Grangewood comment that the sports facilities are lacking in every way, being smaller with no high diving board. They ask what will happen to the original centre and will it go for housing which would spoil the beautiful park for ever. The new centre is ugly and out of keeping with Chesterfield and it will impact on the park and wildlife. They are still being charged for facilities that are always closed but assume this will not be the same for the college and add that the public are being duped. The Annexe has a covenant on it which the public will be paying for over the next 25 years. They state that the Annexe is the last beautiful green space in the town and it should be restored for its rightful purpose for the public, not classrooms. Most people in Chesterfield object to the proposal and would like the existing centre to be refurbished. Chesterfield is an up and coming town and should have state of the art sports centre not a baby paddling pool with no diving facilities.
- 1.16 Occupants of 115 Station Road, Brimington comment that they are concerned about the loss of the Annexe to a new building; and that the visual effect will be detrimental to the neighbourhood, as well as cause additional stress on the neighbourhood in respect of parking, impact on through traffic and litter. They understand the

development is not up to competition level facilities and that the costs far outweigh the benefits that could be more cheaply realised by remedial work to the existing centre.

- 1.17 Occupants of 5 Barley Lane, Linacre comment that the description of the proposal is a misrepresentation of the purpose and use of the development. It is really a hybrid of public sports facilities and educational use with the inclusion of classrooms removing all doubt that the development is as much a college campus as it is a public sports facility. The description is misleading and is a technicality that invalidates the process. The Annexe should remain as a green space and its potential needs to be preserved. Such short-term thinking will exacerbate social consequences, including a lack of sporting facilities for the future. The impact of the building on the Annexe and associated impact on Queens Park has not been addressed and the lack of assessment and information is prejudicial to what should be a fair process. The process should be deferred to allow time to reflect and the Local Planning Authority have a statutory obligation to the people they serve and represent.
- 1.18 Occupants of 4 Summerfield Place comment that they object to the opening up of a public pathway at the south east end of Queens Park from Park Road for the following reasons; cost, maintenance, litter, vandalism, graffiti and effect on wildlife. The cost of maintenance and construction of the pathway is unnecessary when there is tarmac at the bottom of the bank in front of bowling green and that rubbish/dog bins and lighting will need to be installed at extra cost. The Council do not clean up and maintain existing paths nearby. The pathway near Atkinson Court Flats is a disgrace with graffiti and broken fencing near the new Barratt homes and the skatepark which is a rubbish tip. The wildlife in the trees at the top of the Annexe is a joy but will soon disappear with the human traffic which is unreasonable when the tarmac road already exists by the bowling green.
- 1.19 Occupants of 5 Summerfield Place comment that the Annexe is an important home for wildlife not found anywhere else in the town centre and they are likely to be displaced by building work, related noise and air pollution. The Annexe is one of very few green spaces within the town centre providing pleasant surroundings for residents and the proposal in respect of activities and lighting will disturb those living around the site. They raise concerns regarding loss of Tree Preservation Order trees on site. The proposal will exacerbate existing traffic problems around the site. Inadequate consultations have been carried out and residents and tax payers have not been consulted on whether they want a new sports centre. Plans for the existing site have not been put forward. The new building will lack many facilities of the existing centre. New entrances to the site will cause disturbance and exacerbate anti social behaviour problems. They comment on the inappropriate use of public money in austere times and question the projected refurbishment costs of the new building and state that there is a lack of plans for project delay and failure of budget overrun. The costs of the new building have been underestimated and they question whether the security for the old site has been accounted for in the financial projections.
- 1.20 Occupants of 5 Laxfield Close, Walton comment that there will be considerable impact on the whole area around the Annexe with roads struggling to cope with extra traffic as well as increased pressure on existing junctions. Construction traffic will add to the disruption of the whole area. Eventually the area will have to cope with the

demolition of the existing centre and future construction on this site. The whole aspect of Queens Park to the west will be ruined and would encourage undesirable behaviour, graffiti, rubbish and discarded needles. The existing centre is well known as a local facility and compliments the attractive cricket ground and the proposed scheme would add nothing to the area and would draw no visitors to the town. No assessment of the impact of the scheme on Queens Park, wild life and conservation area have been undertaken.

- 1.21 An e-mail objection has been received, but no address given, commenting that they object to the smaller shared sports centre with fewer facilities and limited access. The proposal would be detrimental to the neighbourhood and would affect road traffic with hundreds of students, with an increase in litter and noise and the view of the park and town centre would be lost. They are concerned about the limited access of the swimming baths to local people, many of whom depend on the facility for health reasons. It would be better to spend something on the existing facility.
- 1.22 Occupants of 10 Oakley Avenue, Brockwell raise concerns about comments made by the Council Leader and that this prejudices the impartial consideration of the application. The proposal for a smaller shared centre which destroys the Annexe for future generations should not be approved. The consent should not be given until it has been determined that the existing site will be returned to green space. Planning should make sure that nothing else can happen on the site.
- 1.23 Occupants of 41 Peak View Road, Loundsley Green comment that there should be no classrooms built on the Annexe as this would be against the legacy to residents. No analysis of the impact on the building on users of Queens Park has been made with some 200-300 students descending on the complex daily; potential irrevocable changes will be made. The roads and junctions around the Annexe are also of concern with no study undertaken to assess impacts. Input should be sought from the police and relevant highways agencies. No replacement facilities are proposed for the athletics to be lost. The proposed building is ugly and modern and out of keeping with the red brick nature of the residential area, with no assessment made of its impact on the aesthetic nature of Queens Park. The whole proposal appears to be based on an agreement made behind the scenes with Chesterfield College which are a private commercial company. If this is the case should not be allowed to proceed. The plight of the badgers has been misrepresented and the proposed construction will adversely affect them. No consideration has been given to what will happen to the badgers if their sett is moved. They highlight the recent death of a badger on Boythorpe Road and believe the noise of vehicles and occupants of the proposal will be a frightening spectacle for the badgers and drive them away.
- 1.24 Occupants of 25 Ryehill Avenue, Brookside comment that they object to the costs of the proposal. The new building will not compliment existing houses and there will be

a loss of green belt land and open space near the town centre with an increase in litter and noise affecting neighbouring houses. There will be an increase in traffic putting pressure on nearby junctions with potentially hundreds of students every day. Consideration should be given to the impact on the park when the old building is demolished as there will be a massive gap. English Heritage should be asked to advise on the future impact of the town.

- 1.25 An e-mail has been received from a resident of the Borough who comments that the plans should be reconsidered. They suggest retention of the Annexe as an open space but upgraded with pitches and tennis courts. The design of any new building should be at the west end of Queens Park and be a modern interpretation of the pavilion buildings as the existing glass tower is. They put forward some other sites which they consider are more appropriate for a new leisure centre, including Future Walk and its car park. They ask if English Heritage has been consulted.
- 1.26 Occupants of 38 Summerfield Road comment that the Annexe is a beautiful piece of green land covenanted to the people of Chesterfield by a resident in the 1900's and the proposal would go against this covenant. The two bellshafts on the site render the ground unsuitable for building or would make preparation of the ground very expensive. The residents of Chesterfield have a right to know the Council's intentions for the existing sports centre. Saying that this is unknown is unbelievable. The budgets and figures stated have been grossly understated and this will add to the Market Hall unveiling which is a gross misspending of residents' money. The pedestrian entrance to the building on Park Road will add to the already chaotic parking situation for those living around the site. The trim trial is another massive problem as it will be used as a shortcut to the centre attracting litter, gangs of kids and general grief for residents in the area.
- 1.27 Councillor Morgan has commented that he strongly objects to the proposal. The visual impact cannot truly be known until a decision has been made on the current centre. There is the possibility that the current centre could be left derelict for several months and if demolished with no replacement, the visual impact on the park and the new centre from the western aspect would be totally unacceptable. This is piecemeal development of a large area, part of which is unplanned and he states that the Council would not do this with the Hipper Corridor or Waterside so why here? This is a key tourist attraction and the development of the whole area needs to be thought through. The design needs to be in keeping with the nature of the park. Many houses overlook this site and they will lose the panorama with any building erected on the Annexe site. The increase in traffic will put pressure on surrounding roads. The proposal is smaller than the existing centre. With students using the facility, access for residents will be even more limited. On the basis of Sport England's recommended ratio the town should have three good leisure centres and this proposal will reduce residents' current access to public leisure facilities. He asks if other public bodies have been consulted, such as English Heritage.

- 1.28 Occupants of 165 Boythorpe Road comment that the site was left for the people of Chesterfield and a covenant was placed on the land. They feel that the intended purpose for this area was to be left open as green belt land enjoyed by the people in an open and green environment. The new building is being shared with Chesterfield College who will have priority access to many of the facilities giving the general public a much limited access which again contravenes the covenant. The surrounding area will be impacted upon by the volume of students travelling by car and this will add to the congestion in the area. In their opinion the Council have not considered other options for siting the new leisure centre and this is merely a cost cutting exercise and it would be more viable to look at other alternative sites, such as the old Trebor site. Building on the old Trebor site would also make the intended leisure centre more accessible for surrounding residents. The existing leisure centre could be redeveloped with maybe a new swim area built to the right hand side of the existing building, although this would not solve the congestion issue.
- 1.29 Occupants of 32 Summerfield Road comment that they believe the renovation of the old centre would be the preferred option. They are concerned about their safety and the safety of their property. There will be more general access to the area with the general public being able to look directly into their gardens and this will increase possibilities of burglaries. What plans are in place to ensure their security and that of the new centre? They ask if the trees at the bottom of their garden will continue to be tended by CBC as many at present need pruning. They have general concerns relating to noise and light pollution into the late evening and ask what limits will be imposed.
- 1.30 An email has been received, but no address given, stating that they object to the proposal due to the loss of open space, loss of squash courts, loss of view and increase in noise and litter via students over the next 25 years. They comment that they are concerned about highway safety and increased pressure on existing junctions.
- 1.31 Occupants of 28 Summerfield Road comment that the construction would consume an attractive woodland setting that for many years has managed to support varied sporting activities for schools, etc. The site is home to a variety of wildlife whose habitat will be destroyed. This beautiful green space should be protected at all costs. The provision of parking for cars is not in the content of the covenant and they object to this. The increase in traffic will be an issue with noise and light pollution from cars and activities. The Council has failed to properly evaluate the costs and benefits of the development or to evaluate the option of redeveloping the existing site. The proposal will result in a centre offering lesser facilities with less public access to them.
- 1.32 A resident of Summerfield Avenue, no number given, has commented that they already suffer from anti social behaviour from youngsters who use the Annexe for

purposes other than what it was meant for. The new development with the trim trail will bring the public closer to their properties raising possibility of more problems. They ask that consideration be given to reinforcing the boundary at the top of the Annexe where it meets Park Road. The costings are seriously flawed and are at best negligent and at worst criminal with no plan of what to do with the important building which is at present the sports centre and they comment that no way should this be removed as it has become part of Queens Park.

- 1.33 An e-mail has been received from a resident of the borough, no address given, commenting that the proposal will reduce the advancement of sporting activities for local people due to the reduced scale facilities. The proposal is likely to adversely affect the setting of Queens Park. The existing centre has a very positive impact from the park and changing this will detract from overall amenity. There is also likely to be an increase in noise and litter. The proposal will result in a loss of green open space and an unacceptable increase in traffic both vehicular and pedestrian with potential for the access to the car park becoming an accident black spot.
- 1.34 An e-mail has been received, no address given, commenting that the proposal is the worst idea they have come across. Many people swim in the pool, including Chesterfield swimming club - training would not be the same anywhere else. They state that the pool with diving boards is priceless and it's a waste of a good pool and sports hall.
- 1.35 Occupants of 10 Rossendale Close, Walton has commented that they understand that in planning terms some of the weak points in the plan are no longer relevant. They would concentrate on the loss of green space which they understand has a covenant on it as open green space not to be built on. The running track should be restored for non-competitive running and not sacrificed as this will result in loss of amenity and loss of options.
- 1.36 An e-mail has been received, no address given, commenting that reducing facilities, when childhood obesity is such a huge problem, seems to be a retrograde step. The old leisure centre is likely to be left an empty eyesore attracting anti social behaviour as no planning application has yet been submitted for its use. The town centre will lose its largest open green space. Where else in the town centre could accommodate a civic firework display for instance? Schools will lose their athletics track forever and although there may be no money at the moment there may be in the future to refurbish the track. The Council should refurbish the existing centre.
- 1.37 Occupants of 31 Bentham Road, Newbold comment that they have frequently attended the leisure facilities and park areas and they are in keeping with the site. The glass pavilion over the pool is attractive and appealing to the park. The loss of green open space and change of use will impact on the area. The open aspect of the

Annexe is important and they object to the change of the beautiful building to create a bare site as well as the spoiling of the Annexe facility. The money would be better spent elsewhere in Chesterfield.

- 1.38 An e-mail has been received from a resident of the borough, no address given, to the re-consultation on the revised plans submitted. They feel that the relocation of the leisure centre and retention of the trees is an improvement on the original layout and lessens its impact on Queens Park. They would support the demolition of the derelict buildings but their preferred use of the Annexe site is as registered local green space.
- 1.39 Occupants of 97 Boythorpe Road comment that they object to the proposal.
- 1.40 A letter has been received, but no address given, which states that a new sports centre is not needed and the existing one just needs updating which would be much cheaper and would not cause hardships to taxpayers. The proposal would lead to loss of open space, athletics track and wildlife. Local people will be disturbed by excessive lighting and noise from early morning until late at night. The area will become more polluted and the proposal will result in loss of privacy and fear of trespass.
- 1.41 An e-mail has been received from a resident of the Borough who comments that the proposed east and south elevations will be unattractive for residents of Summerfield Road and Park Road, particularly in winter time when trees are not in leaf. The centre will also be visible from Queens Park and is out of keeping with the historic environment. The building is likely to attract vandalism and the increase in traffic may cause accidents. The X17 bus service is hourly and those travelling to the leisure centre will deprive those travelling further afield a place on the bus.
- 1.42 An email has been received, no address provided, which questions why the Council does not have a leisure centre like those in Barnsley, Sheffield and Mansfield where there are more facilities such as slides, waves machines, etc.
- 1.43 An email has been received (no address given) which argues the application was validated with insufficient supporting information. This means that neighbours, residents and the Planning Committee will have been exposed to procedural irregularities. The provision of educational services within the centre will impinge on the equality of human rights for local people by excluding them from access to sports facilities. The writer's intention, should the application be approved, is to complain to the Ombudsman or potentially instigate Judicial Review. The ecology reports have not taken into account the impacts of tree planting on badgers and that these impacts should be taken into account to form evidence when applying for a licence to interfere with the setts. Without this evidence the planning authority would be failing in its duty to ensure the conservation of biodiversity under the Natural Environment & Rural Communities Act 2006.

APPENDIX 3: STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH THE APPLICANT

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 paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

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.

The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

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