

**Item 2**

CHANGE OF USE OF EXISTING DRINKING ESTABLISHMENT TO RESIDENTIAL WITH TWO STOREY EXTENSION (BLOCK A) AND PHASED CONSTRUCTION OF TWO NEW BUILD UNITS (BLOCK B & C) FORMING TOTAL OF 20 SELF-CONTAINED APARTMENTS WITH ASSOCIATED LANDSCAPING, BIN STORE AND CYCLE STANDS AND PARTIAL DEMOLITION OF LOW BRICK WALL WITH PICKET FENCING ON EAST BOUNDARY OF SITE TO FACILITATE NEW ACCESS TO SITE – (RESUBMISSION OF CHE/16/00835/FUL) ON SITE AT THE ELM TREE INN, HIGH STREET, STAVELEY, CHESTERFIELD, S43 3UU FOR MRS V ZHENG

Planning Committee 31<sup>st</sup> October 2022

Ward: Middlecroft & Poolsbrook

**1.0 CONSULTATION RESPONSES**

Ward Members	No representations received
Staveley Town Council	No comments received
Environmental Health	No objections to proposal – conditions recommended, see report
Local Highway Authority	Comments received see report
Design Services	Comments received – see report
Yorkshire Water Services	Comments received – see report
Lead Local Flood Authority	Comment received – see report
Coal Authority	comment received – see report
Economic Development Unit	Supports application – see report
Community Housing Team	No comments received
Derbyshire Constabulary	No objection to revised plans

Chesterfield Civic Society	Comments received – see report
Conservation Officer	No comments received
Derbyshire Wildlife Trust	Comments received – see report
DCC Archaeology	Comments received – see report
NHS CCG	not requesting a contribution as development falls under threshold
Housing Delivery Officer	No comments received
Representations	Representation via County Cllr Hayes obo 34 High Street and No. 2 representations received.

## 2.0 THE SITE

- 2.1 The site the subject of the application comprises of the former Elm Tree Inn public house and its associated curtilage, which includes a car park to the side and rear of the main building.





- 2.2 The property itself has several modern extensions on the rear (west) elevation and also includes a smoking shelter / canopy to the southern elevation and single and two storey extensions to the northern elevation. The principle elevation of the public house (east) fronts onto High Street in Staveley. The site is the subject of site investigation works associated with the previous application (which has now expired).
- 2.3 Currently the application site is served by an existing highway access onto High Street and this provided access to a car parking facility in association with the application site when it was operating as a public house. The site is situated within the Staveley Conservation Area.

### **3.0 SITE HISTORY**

- 3.1 CHE/0791/0478 – Erection of signs - Approved 16/09/1991
- 3.2 CHE/06/00734/FUL – To erect 2 no. awning to the side façade of the building - Approved 19/10/2006
- 3.3 CHE/11/00398/RET – Retrospective application for retention of smoking shelter – shelter to be modified - Approved 11/08/2011
- 3.4 CHE/15/00769/FUL – Conversion of public house to flats including erection of a two storey extension and erection of a detached building to form 13 self-contained flats. - Application withdrawn 25/01/2016

- 3.5 CHE/16/00835/FUL – Change of use of existing drinking establishment to residential with two storey extension and two new build units forming 23 self contained apartments with associated landscaping, bin store and cycle stands - resubmission of CHE/15/00769/FUL - Approved 07/12/2017 with s106 agreement signed requiring a Management Scheme in respect of the Common Amenity Land on the site and a payment for DCC to monitor parking for 2 years to decide if a TRO was required. The report identified the requirement for a % for Art contribution and Affordable Housing however these were not included due to viability reasons.

#### 4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks full planning permission for the proposed conversion of the existing public house in to 6 no. self – contained flats (1 x 1 bed/2p; 1 x 2 bed/2p; 3 x 3 bed/4p and 1 x 3 bed/6p); and the erection of 2 no. new blocks of development comprising 14 no. self-contained flats (Block B with 2 x 2 bed/4p and Block C with 4 x 1 bed/2p and 8 x 2 bed/4p). The scheme has been reduced in dwelling units from 24 total to 20 as a result of negotiation.
- 4.2 The conversion of the pub is facilitated by a proposed infill two storey extension to the rear of the building and by demolition of a small single storey pitched roof extension located at the far rear of the property.



- 4.3 The proposed new build component of the scheme takes the form of two new blocks (B and C) of development with one 2.5 storey block positioned



along the entire rear portion of the existing car park and the other a 2.5 storey block positioned slightly set back from the site frontage to the LH side of the existing access to the site. The proposed development on the front will be in line with the building to the left, known as no. 23 High Street, Staveley.



Block B



Block C

- 4.4 Low carbon and/or renewable energy technologies which would include solar panels on the roof to Block C and ground source heat pumps are to be incorporated into the development.
- 4.5 The application is accompanied by the following latest documents;

- 0557-100-A – Location plan
- 0557-A-01-A – Design & Access statement
- 0557-010A-A – Existing ground floor plan – Block A(1)
- 0557-011A-A – Existing first floor and roof plans – Block A
- 0557-020A-A – Existing front and side elevations – Block A
- 0557-050C-D – Proposed ground and first floor plan - Block C
- 0557-021A-A – Existing rear and side elevations – Block A
- 0557-050A-B – Proposed ground floor plan – Block A(1)
- 0557-051A-B – Proposed first floor and roof plan – Block A(1)
- 0557-060A-B – Proposed front and side elevations – Block A
- 0557-051C-D – Proposed second floor and roof plan – Block C(1)
- 0557-061A-B – Proposed rear and side elevations – Block A
- 0557-060B-B – Proposed front and side elevations – Block B
- 0557-061C-D – Proposed rear and side elevations – Block C
- 0557-050B-B – Proposed floor plan – Block B(1)
- 0557-150-C – Proposed site plan
- 0557-152-B – Phased construction strategy
- 0557-060C-E – Proposed front and side elevations – Block C
- 0557-151-B – Landscape design layout and specification
- 0557-153-C – Proposed NIA and GIA Plans
- 0557-155A-B Proposed Plans and Accommodation Schedule
- 0557-155B-B Proposed Plans, Elevations & Accommodation Schedule
- 0557-155C-E Proposed Plans, Elevations & Accommodation Schedule
- Appendix 1 – Exploratory Hole Logs
- Appendix 2 – Gas Monitoring Data
- BRE365 Soakaway 1 in 100 year + 40 for CC – Rev A (1)
- Elm Tree Inn Staveley Proposed Ecological Enhancement Letter by Arc Ecology dated 16/10/19
- J01978 – Drainage Design Layout (1)
- Elm Tree Inn Archaeology WSI by Trent & Peak dated 23/1/20
- 0557-141 Existing Site Plan showing partial demolition
- Interim Report on an Archaeological strip, map and record by Trent & Peak dated 20/5/20
- Phase II Geo-environmental Investigation Report by Earth Environmental & Geotechnical dated Dec 20

- Proposed drainage layout REV B
- Soakaway Design J01978 by JNM Engineering Ltd

## **5.0 PLANNING POLICY**

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

5.1.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP4 Range of Housing

CLP8 Vitality and Viability of Centres (Strategic Policy)

CLP10 Social Infrastructure

CLP11 Infrastructure Delivery

CLP12 Renewable Energy (Strategic Policy)

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP15 Green Infrastructure

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP17 Open Space, Play Provision, Sports Facilities and Allotments

CLP20 Design

CLP21 Historic Environment

CLP22 Influencing the Demand for Travel

## **5.3 National Planning Policy Framework**

Part 2. Achieving sustainable development

Part 5. Delivering a sufficient supply of homes

Part 8. Promoting healthy and safe communities

Part 9. Promoting sustainable transport

Part 11. Making effective use of land

Part 12. Achieving well-designed places

Part 14. Meeting the challenge of climate change, flooding and coastal change

Part 15. Conserving and enhancing the natural environment

Part 16. Conserving and enhancing the historic environment

### **5.3 Supplementary Planning Documents**

Successful Places' Residential Design Guide

## **6.0 CONSIDERATION**

### **6.1 Principle of Development**

6.1.1 The application site is situated within the built settlement of Staveley Town Centre (as identified on the Policies Map) in a mixed area that is both residential and commercial in nature. The site is also located within the Staveley Town Centre Conservation Area. The development of the site is considered to accord with the provisions of Local Plan policy CLP1, which sets out the need to focus new housing development around centres and regenerations areas and therefore, in principle, the Strategic Planning Officer notes the location, within the centre, is considered to be suitable for residential development. This is subject to the proposal satisfying other policy as outlined in the Local Plan.

6.1.2 One key material consideration is the loss of a public house which is regarded as social infrastructure and the impact this would have on Staveley Town Centre. Local Plan policy CLP10 states that "development will not be acceptable... if it would result in the loss of a facility which is required to meet a local need or contributes to the network of facilities through the borough unless:

- a) there is an equivalent facility available in the locality or an equally accessible one is made available prior to the commencement of redevelopment to serve the same need; and



b) it can be demonstrated through a viability assessment that the current use is economically unviable and all reasonable efforts have been made to let or sell the unit for the current use over a continuous 12 month period that includes advertisement for let or sale at a realistic price.

6.1.3 In this case, it is noted that there are other public houses in the immediate area (eg Beechers Brook and Tilly's Tavern both located on the High Street and Harleys on Market Street) and therefore criterion a) of CLP10 is considered to be satisfied. Criterion b) however has not been demonstrated in this application submission as no viability assessment has been submitted with the application. However due to the application site history, it is considered unreasonable to require the applicant to demonstrate the premises operating as a public house is unviable owing to the time that has passed since it was last in use as a public house (understood to be in excess of 4 years) and the fact that a permission has since been issued for conversion to residential use. For these reasons it is not considered to be reasonable or appropriate for the application to demonstrate compliance with criterion b) of CLP10.

6.1.4 Comments from the Strategic Planning Officer indicate, as set out in Local Plan policy CLP8, any development would need to "make a positive contribution to the centre's viability and vitality and be of an appropriate scale". CLP8 also states however that residential uses will be permitted at first floor level and above (with the exception of suitable provision for access) and on appropriate redevelopment sites where it would not undermine the vitality of the centre. The application site is located centrally and prominently in the town centre area of Staveley and therefore the loss of a town centre use, such as a public house, in this location would potentially have an adverse impact on the centre's viability and vitality. As previously indicated, owing to the current situation of the premises being vacant for a number of years, (no information regarding the previous marketing of the pub has been provided and therefore the LPA is unaware of the exact time the premises has been vacant, how it has been marketed in the past or if any alternative uses have been sought for the site) and the fact that a permission has previously been granted for a residential conversion, then no objection can be raised on this ground. It is not

possible however to conclude to what extent the proposal accords with provisions a – d of CLP8. But it is considered however that the proposal accords with criterion e) as the application proposed would contribute to tackling vacant, under used buildings within centres, particularly in historic buildings, which the Elm Tree is considered to be as it located within the Conservation Area.

- 6.1.5 It is acknowledged that the development does result in the loss of a town centre use in the ground floor of the existing building, which is contrary to the provisions of CLP8 criterion b) however the fact that the proposed development would introduce a new use in an existing vacant premises in a location that already demonstrates a mix in retail and residential use, is not considered that this issue alone would be sufficient as a reason for refusal. Furthermore, the Council granted an almost identical scheme in 2017.
- 6.1.6 It is therefore possible to conclude that the proposed development is considered to broadly accord with the provisions of CLP8 and CLP10 however given the lack of information regarding the previous marketing and viability of the current use, it is uncertain to what extent the application can be considered to comply with CLP10 criterion b) and as a result, criterion a) of CLP8. Notwithstanding this however, there is acknowledged site history for this site and it is considered that the introduction of a new use in a historic building on a street that demonstrates a mix of retail and residential to be of material consideration and be acceptable in principle.
- 6.1.7 The Chesterfield & North Derbyshire Royal Hospital has commented that the impact of the development should result in a contribution of £61,000 via a s106 agreement. It is the case however that hospital funding is covered centrally and not covered through the s106 process. The NHS Derby and Derbyshire CCG has indicated the CCG will not be making a funding request for this development as it falls under the threshold set out.
- 6.1.8 The Councils policy team has referred to the need for a development of residential units to provide 5% affordable units split between affordable rent (90%) and affordable home ownership (10%). This would equate to 1 unit overall based on the scheme of 20 units. It is accepted that it would be

unlikely or feasible for a registered provider to take on the management of one of the apartments and a commuted sum should therefore be sought. Consultation with the Councils Housing Delivery Manager and Housing team suggests that such a commuted sum would amount to £65,191. It is the case however as before that the applicant may well put forward the argument that such a commuted sum would call into question the viability of the scheme and the same process should therefore be followed as was the case in 2017.

6.1.9 Since the last scheme the Local Plan now requires that 25% of the units should meet the M4(2) standard for water efficiency however the applicant has indicated that all the units will meet the standard. Policy CLP13 of the local plan states that development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day. A condition of the permission can ensure provision in line with the policy requirement.

6.1.10 The Economic Development Unit supports the application commenting that there will be employment, training and supply chain opportunities created during the construction phase and they recommend a local labour/supply chain clause is negotiated by either condition or s106 to encourage local employment, training and supply opportunities to local businesses and local people in line with the Councils Corporate Plan and Local Plan. This can be secured by condition of any approval.

## **6.2 Design and Appearance including Heritage**

6.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials. The site is also situated within the Staveley Conservation Area and policy CLP21 requires that development should protect the significance of designated heritage assets and their settings including Conservation Areas.



6.2.2 The principle of the development is considered to be accepted subject to the development being of an appropriate design and appearance and demonstrating appropriate relationship with the adjoining and adjacent neighbours. The 2017 scheme accepted a very similar proposal for the site.

6.2.3 The proposed site layout illustrates that the new build development will be laid out in two distinct blocks. The rear block being a 2.5 storey in height set against the rear elevation of Morrisons and the front block (also 2.5 storey in height) being aligned with the gable of no. 23 High Street and therefore being set back from the building line of The Elm Tree. Having regard to the separation distances presented by the development proposed and the neighbouring properties, it is considered that the proposals are acceptable in streetscene terms.

6.2.4 Having regard to the design of the proposed development, it is considered the appearance of proposed Block B is on the whole acceptable. It is noted in comments from the Civic Society that the appearance of this building “will not form a harmonious bridge with the rendered pub adjoining it on the other side, nor will it be in character with other buildings on High Street.” The Civic Society continue with their comments to indicate a “plain (or rendered) brick elevation would be much more in keeping with the older built up area of Staveley, where real timber framed buildings probably disappeared in the seventeenth century.” The Civic Society indicate their reasoning for this being that very little middle-class housing was built in Staveley between the two World Wars which would have been the prime of

this design of property. Whilst the comments are noted, it is considered due to the siting of Block B as proposed, that the block can relate to the premises to the south or the north of the application site and as both are different in visual appearance terms, the outcome will be different depending on the design chosen. The applicant could also propose a contemporary building to nestle between the differing styles of the former pub and the premises to the south, no. 23 High St. It is considered that relating proposed Block B to the premises to the south is acceptable. Overall, the design of Block B is considered appropriate for the streetscene given the presence created by the design and appearance and the hierarchy of the building. It is considered however that if the applicant is to adopt the approach of mimicking the appearance of the premises to the south, it must be done sympathetically. The inclusion of a dormer in the centre of the roof in the front elevation and the proposed dormer in the rear elevation were considered to be inappropriate and therefore were removed in revised plans. The appearance of the dormer on the rear especially was described as clumpy and heavy and detracting of the overall appearance of the building. The revisions resolve these concerns which were expressed.

6.2.5 Considering the design of the unit proposed to be sited at the rear of the site (Block C), it is considered this design has also been amended to accommodate concerns which were expressed and have been addressed regarding the design. The design has been simplified removing the mock timber and the pitched roof dormers and replacing them with contemporary styled flat roof clad staircase enclosures and square rendered projecting double height bays. Block C is considered to warrant a more simple, understated design that takes the appearance of an old workshop / out building that may have typically been found at the rear of public houses and which can take on an ancillary appearance to the main former public house building and proposed Block B. It is considered the design of Block C as amended and proposed is now acceptable and which assists in screening what is a poor rear façade of Morrisons when viewed across the current pub car park from the High Street and from the pedestrian entrance from High Street to Morrisons.

6.2.6 The use of timber windows and decorative finials throughout the scheme is also a welcomed detail and is considered to contribute positively to the overall scheme however it will be critical to ensure appropriate materials are specified by condition on any permission granted.

6.2.7 The County Archaeologist has commented that because of the sites location in the medieval core of Staveley, conditions were attached to the previous consents for the site requiring an archaeological scheme of works. A WSI was agreed for this work against the condition, and part of the fieldwork was carried out on site, leading to an interim report which is submitted with the current application. Further work involving archaeological monitoring was agreed to be carried out during the next phase of work, but this has yet to take place and there is no WSI for this part of the archaeological scheme. The Archaeologist comments that the scheme is broadly similar to that previously proposed in terms of archaeological impacts, so there is no need to revisit the agreed approach at this stage and it is recommended that the remaining archaeological work is carried out in line with NPPF para 205. A WSI will need to be approved setting out the extent and scope of monitoring and allowing for full reporting and archiving of the results from the previous phase. The following condition should therefore be attached to any planning consent: “No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives and the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material shall be included.”

6.2.8 It is considered that the issues raised above can be suitably dealt with through use of conditions on any approval granted and which will satisfy the requirements of policies CLP20 and CLP21.

### **6.3 Neighbours Amenity**



- 6.3.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.
- 6.3.2 Internally, the development proposed does present a lesser separation distance than sought in the LPA's adopted SPD, especially noting the distance between the rear elevation of the converted public house (Block A) and the new rear block (Block C). These distances however are considered to be a compromise that enables the best opportunity for securing appropriate redevelopment of the entire site. Given the proposal will result in a new use for the site (being residential) it is considered any prospective purchaser / occupier of any of the flats would be aware of the relationship between the individual components of the development.
- 6.3.3 The relationship of the adjoining neighbours has been assessed as a material consideration. The neighbour to the rear of the site and western end of the southern boundary is Morrisons and the buildings face away from the site and proposed development. The neighbour to the south fronting High Street (No 23 High Street) is in use as a day care nursery and which has an external rear garden area running along the southern boundary of the site. This building is positioned on the boundary of the site with no openings facing the site but with what appear to be air condition units mounted on the gable which overhang the site. The neighbouring property to the north at 27 High Street is all currently vacant and appears to comprise of a rendered commercial unit (Advertising Agency) on the High Street frontage and a stone cottage to the rear. These properties are on the site boundary and attached to the existing Elm Tree building but there are no openings facing toward the site in any of the buildings.



Morrisons buildings to rear of site



23 High Street



27 High Street

6.3.4 In terms of the impact on No 23 High Street the proposed block B will sit attached to the side gable of the building in line with the main façade to the High Street and to the rear to the extent of the two storey section of No 23.

There will be an impact on the projecting air conditioning units and there will clearly need to be a Party Wall Act agreement between the property owners however this is not regarded as a material planning consideration. Because Block B is to the north of and does not project forward or to the rear of 23 the impacts of this building will be very limited. In so far as the relationship between Block C and 23 High Street the separation distance at the closest point (front of Block C to nearest rear window in 23) is 21 metres and which is considered acceptable. There will be a view into rear external area of the property from the upper floor windows to the rear of block B and front of Block C however the external play area is associated with a commercial property and the amenity impacts are therefore less of a concern. It is considered that the siting of the proposals are acceptable having regard to the neighbours at 23 High Street.

6.3.5 To the north of the application site No 27 High Street is attached to the existing Elm Tree building however a section of the outbuildings to the rear are to be demolished to make way for a replacement new single storey extension and a yard area which would set the building away from the site boundary. There would be a ground level door and two windows facing into the courtyard area however there would be no adverse impact on No 27. The windows to the front of Block C to the rear of the site would be angled away from the rear of 27 and would be at a very acute angle such that there would be no adverse impact on amenity.

6.2.6 To the west of the application site, the proposed flats will have an outlook overlooking the rear elevation of Morrisons. The high wall of Morrisons will be approximately 4.5 metres from the rear elevation of Block C which is the same as the scheme accepted in 2017. It is also acknowledged that proposed flats in Block C have been designed to enhance the light that penetrates the rooms and improve the amenity for occupants.

6.3.2 It is considered the outlook for the occupants of Block C flats that have windows in the west elevation, that the outlook will be poor for these occupants. The high boundary wall that forms the rear of Morrisons is located to the west of this site and being in close proximity (4.5 metres) it is considered natural lighting and outlook will be limited for the occupants however this same relationship was accepted by the Council in 2017.

- 6.3.3 Having regard to the internal design of the proposed flats, the initial scheme was considered to be lacking in internal space as all units fell below the Nationally Described Space Standards however the latest revised scheme has reduced the number of dwellings from 24 to 20 such that the space available for each unit now increases and meets the standard referred to.
- 6.3.4 Concerns were also expressed regarding the outdoor amenity space which was considered to be lacking for the scheme proposed. The ground floor flats in Block B and Block C will have access to a private garden area with the remaining flats having access to a communal area which will provide outdoor space. The scheme has also been amended to now incorporate balcony areas to the upper floor units to Block C and given the town centre location of the site, this is considered to be reasonable and sufficient compromise in this case.
- 6.3.5 It was considered necessary and appropriate for the applicant to review the number of units proposed at the site to ensure the amenity issues raised could be addressed. It is considered the revisions to the scheme ensure the amenity for the occupants will be the best they can be given the circumstances of the town centre location and the impacts on the neighbouring properties will also be limited and not detrimental to their amenity to a point where refusal of planning permission could be justified.

## **6.4 Noise and nuisance**

- 6.4.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. To understand if the proposed development would raise concerns in respect of noise, the Environmental Health Officer was consulted with and he raised no concerns for the proposed end use of the application site but noted that should planning consent be granted, a condition restricting the hours of work to be imposed to protect the neighbouring amenity. The condition would read as follows;
- “Work shall only be carried out on site between 08:00 to 18:00, Monday – Friday and 09:00 to 17:00 on Saturdays. There shall be no work carried out*

*on Sundays or Bank Holidays. The term “work” will also apply to the operation of plant, machinery and equipment as well as the accepting of deliveries.”*

**Reason** – *To protect the residential amenity of the neighbouring area and in the interests of CLP14.*

6.4.2 This condition is considered to be reasonable and can therefore be imposed by condition on any permission granted for this scheme.

## **6.5 Highway Safety**

6.5.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety. As such, the Local Highway Authority were consulted in respect of this application. The comments received are detailed below;

6.5.2 *“It is assumed that, in particular, the Section 106 Agreement entered into in respect of the previous application is still applicable. From the highway point of view this particularly relates to monies for the monitoring of the situation post development and the introduction of a Traffic Regulation Order if /as appropriate following the monitoring period. Should this not be the case, the Highway Authority would be grateful if you could revert back to them for further comments in respect of this issue as some sort of funding will need to be secured.*

*Given that consent has previously been granted for development and subject to the above, there are no objections to the proposal and it is recommended that the following conditions are included in any consent.*

- 1. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.*



2. *Before any other operations are commenced a new pedestrian access to High Street shall be formed in accordance with the application drawing.*
3. *Before any other operations are commenced (excluding creation of the new access, the subject of condition 1 above), the existing vehicular and pedestrian access to High Street shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.*
4. *The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved drawings have been implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.*
5. *There shall be no gates or other barriers on the access off High Street.*

6.5.3 The comments received from the Local Highway Authority are noted and whereas the 2017 planning permission lapsed the applicant had already paid as obligated the £4000 under the Section 106 Agreement that was entered into to provide a fund for monitoring of the situation post development and the introduction of a Traffic Regulation Order if deemed necessary. The TRO monies were requested as a result of concerns the LHA had with regards to the lack of off street parking for the scheme which the LHA concluded was “highly likely to lead to an increase in parking on the adjacent highway in the vicinity of a junction which would make entering / exiting the junction difficult and there are currently no parking restrictions on the site frontage.” The funds were provided for a period of two years monitoring post completion of the scheme.

6.5.5 Given the situation in respect of car parking and that off street parking has generally remained unaltered (has reduced as units reduced from 24 to 20) since the approval of the previous application, it is considered reasonable to utilise the fund already paid to the Council for the purpose however this



will need to be reflected in a fresh s106 agreement. The remaining conditions can be imposed as recommended by the LHA since they are considered to be reasonable and appropriate for the development however condition 5 is not justified on the basis that the access is not being used by vehicles and security bollard/posts are to be installed to prevent this. Whilst the plans do not indicate any gates or other barriers at the access the necessity for the condition does not meet the tests for imposition of such a condition.

6.5.6 It is acknowledged that CLP22 also requires development to “encourage more active and healthy lifestyles, and the Council will seek to maximise walking, cycling and the use of public transport through the location and design of development and parking provision.” It is therefore considered the lack of off street parking provision for this application is both appropriate and acceptable given the location of the application site and the appropriate walking distances and connectivity the site offers. It is considered that the number of cycle parking spaces provided at 40 as indicated in the submitted plans is an appropriate response.

6.5.3 It is therefore considered that the proposed development as amended can be considered to address the concerns raised by the LHA and these can be met through the monies obtained through the previous Section 106 Agreement. It is agreed that a car free scheme is appropriate given the location within the town centre area and on the basis that any inappropriate local on street parking can be dealt with by possible TRO.

## **6.6 Biodiversity including trees and landscaping**

6.6.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

6.6.2 To understand the impact the proposed development will have biodiversity and ecology at the application site, Derbyshire Wildlife Trust were consulted. The initial response from the DWT is detailed below;

*“note that no current Ecological Appraisal has been submitted, however we have re-visited the Protected Species Appraisal submitted for the previous application. This was undertaken in 2016 and assessed the building to have ‘negligible – low’ potential to support roosting bats, with features that could be used by bats limited to several raised roof tiles. Given that the report is now six years old, it requires an update in accordance with CIEEM guidelines on the lifespan of ecological survey data. This should comprise a current visit by an ecologist to inspect the building both externally and internally, as it is possible that new features may have developed in the interim. They note that the Ecological Enhancement Letter submitted for the previous application has again been submitted. We provided comments on this in our letter dated 4th August 2020 (Ref: DWTCHE248-2), however these comments have not since been addressed. These remain applicable and relate to swapping the bird box models and incorporating some level of herbaceous planting along with the proposed shrubs and trees. Beneficial herbaceous species can easily be incorporated in simplistic, low maintenance schemes, such as rosemary, lavender, verbenas and scabious. We also suggest that climbers would be appropriate for the western boundary, such as honeysuckle and clematis. The update survey should be undertaken prior to determination. The minor improvements to the enhancement scheme could be undertaken now or secured through a condition.”*

6.6.3 In response the applicant has provided an updated Protected Species Appraisal by Arc Ecology dated June 2022 and which confirms that notwithstanding the deterioration in the condition of the building that there remained no evidence of bat presence either internally or externally on the building or that bats had used the building historically. The survey also confirmed that there was no evidence of any nesting birds and that there are no features suitable for supporting birds. The survey concludes that there are no constraints on the re-development of the site arising from any ecology issue.

6.6.4 Having regard to the comments made by DWT it is considered that the applicant has reacted and assessed any potential impact upon the bat and bird species. Under policy CLP16 the Council will secure a biodiversity net gain / enhancement and it will be necessary therefore to impose a suitable planning condition on this development requiring the developer to provide, for example, bird and bat boxes within the site and other measures to encourage biodiversity. In addition opportunities for the introduction of soft landscaping will also be required under a separate condition.

6.6.3 On this basis the submission is considered to provide a suitable response to ecology and biodiversity issues in accordance with the requirements of policy CLP16.

## **6.7 Ground conditions and contamination including air quality**

6.7.1 Having regard to the ground conditions the Coal Authority were consulted with, whilst the Environmental Health Officer was consulted with in respect of air quality and land contamination.

6.7.2 Comments received from the Coal Authority indicated that the site falls within the Defined Development High Risk area and therefore a CMRA is required. The comments respond to the submission of a CMRA as follows;

*“The planning application is supported by a Phase II Geo-environmental Investigation Report, dated December 2020 and prepared by Earth Environmental & Geotechnical. This report sets out details of the intrusive site investigations carried out on site and their findings.*

*The report authors state that five boreholes were drilled on site to depths of 30m and that although coal seams were encountered in the boreholes this was all intact. They note that there was no evidence of shallow coal workings, voids or loss of flush encountered. Based on these findings no recommendations for further works are proposed.*

*It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed*

*by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.*

### Mine Gas

*It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.*

*On the basis of the information submitted, and the professional opinions of the report authors set out therein, the Planning team at the Coal Authority has no objection to this planning application. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.”*

6.7.3 Reviewing the comments received from the Coal Authority, it is noted there is no evidence of shallow coal workings, voids, or loss of flush encountered at the application site and on that basis, the Coal Authority do not indicate the need for further conditions to be attached to any decision granted. It is noted however that the Coal Authority draws attention to the proposed drainage to be used at the application site and if this is to be SUDs, appropriate consideration will need to be given in light of the coal mining legacy of the application site.

6.7.4 As the development site is located within a high risk area, the applicant will need to be aware of mine gases when developing the site and it is considered this will be addressed in the requirements set out by the EHO.

6.7.5 When consulted with, the EHO did not raise any comments in respect of air quality however this is not surprising given the scheme proposed does not include provision for off street parking. The EHO did however indicate that whilst the applicant has submitted a geo-environmental report this only “describes the made ground (which is near the surface of the site) and assesses the depths of coal measures and associated gas issues. No assessment seems to have been made on the possible contaminated land issued related to the made ground. As such I am unable to make any comments on possible contaminated land on the site”. The EHO therefore requested that a condition requiring details relating to land contamination be imposed on any decision issued. The recommended wording is as follows;

A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.

- I. A desktop study/Phase 1 report documenting the history of the site.
- II. A site investigation/Phase 2 report where the previous indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
- III. A detailed scheme of remedial works should the the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

B. If, during remediation works any contamination is not been considered in the Remediation Method Statement, then additional

remediation proposals for this material approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

C. The development hereby approved shall not be occupied written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

6.7.6 The imposition of this condition is considered to be reasonable given the information provided with the application does not cover the matter relating to made land contamination. Subject to any decision being granted, and complying with the condition imposed, it is considered the development can be considered to comply with the requirements of Local Plan policy CLP14.

## 6.8 Developer contributions

6.8.1 The application proposed the creation of new dwellings and is therefore CIL Liable. The site, subject of the application is located within the Low CIL charging zone and therefore CIL Charging rate is currently £20 per square metre (index rate linked). The applicant has provided a CIL form 1 and the CIL Liability is calculated on gross internal floor space as follows.

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>Proposed Floorspace (GIA in Sq.m)</b>	<b>Less Existing (Demolition or change of use) (GIA in Sq.m)</b>	<b>Net Area (GIA in Sq.m)</b>	<b>CIL Rate</b>	<b>Index (permis sion)</b>	<b>Index (charging schedule)</b>	<b>CIL Charge</b>
503 conversion	22	481	£20 (Low Zone)	332	288	<b>£11,089</b>
1524 new build		1524	£20 (Low Zone)	332	288	<b>£35,136</b>



Total		2005				£46,225
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Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of permission) (C) / BCIS Tender Price Index (at date of Charging Schedule) (D) = CIL Charge (E).

## 6.9 Flooding and drainage

6.9.1 As set out in Local Plan policy CLP13 and the NPPF, the LPA is required to ensure the flood risk for all development is managed to ensure that developments are made safe for their lifetime without increasing the flood risk elsewhere.

6.9.2 In line with this requirement, the application was referred to Yorkshire Water Services and the Council's Design Services (drainage) team for comment. The comments received from each are provided below;

6.9.3 The comments received from Yorkshire Water Services;

*"If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure;*

*'No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.*

*(To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharge to the public sewer network).*

6.9.4 It also noted in the comments received from YWS that they endorse the surface water to be drained by a soakaway however the existing building will be discharging to the public sewer network and no evidence has been provided that a surface water connection exists. Evidence will be required. YWS say that if the drainage can be amended so that the existing building can be discharged to the proposed soakaways within the site then no additional ground investigation will be required. Comments received from the Lead Local Flood Authority seek additional information including detail

of management and maintenance arrangements for the drainage infrastructure and it is considered that this detail can be secured by an appropriately worded pre commencement condition.

## **7.0 REPRESENTATIONS**

- 7.1 The occupants of 34 High Street (via County Councillor Hayes) have made comment. Reference is made to working for a Housing Association and an awareness of planning in regards to parking and that it appears this matter has been completely overlooked. Reference is made to an issue with parking, speeding cars and access for delivery vehicles during the day on the High Street and the addition of extra properties will only compound this matter. The residents also question if there has been a Housing Needs Survey carried out since it seems we have a current plan in Chesterfield and North East Derbyshire to build huge amounts of properties and there are a large amount of flats already in Staveley which tend to turnover as families and circumstances change. The residents comment that they are aware that larger flats are generally unpopular with families as is lack of adjacent parking and it is their guess that someone out of area has purchased the pub, done a financial viability assessment and decided how much they can make on what could potentially be damaging to the local area which is already fragile. The neighbours comment that they have created and fostered a lovely little community on the High Street and they are not opposed to change of use of properties as their own home had many commercial uses until they purchased it in 2013 but they put it back to its originally designed use, not multiple occupancy. They worry that the pub has been deliberately neglected to make it unsafe and warrant a decision being made to demolish it. This is a conservation area where we all know the rules to follow and it appears that the purchaser has manufactured this situation for their own ends. The neighbours indicate that a suitable compromise would be to develop the current building into 2 family homes with parking and private gardens that would keep the historical value and make a sympathetic addition to the High Street.
- 7.2 A local resident has also commented that traffic is already a big problem and having this amount of apartments/flats will only add in a negative way to the current issue. Although the applicant is installing bike storage

facilities not every person whom resides in this building will only use a cycle. The resident also comments that the wildlife will also be greatly impacted and either driven out of the area which is such a shame and due to lack of places for the wildlife to breed and live will leave the wildlife with nothing. The resident comments that currently Staveley has a big problem with homeless/drug users and this will only increase if these properties are given the go-ahead. Are the properties going to be private tenants or local authority or both? Unless the whole area is improved and a major look at safety has taken place prior to the agreement then this will be a constant nightmare for the police and local residents. If you look at the amount of times police are called to the area you will see that this is already a problem that as yet has no action plan to move forward just dreams.

- 7.3 Councillor D Rhodes (Staveley) objects. He comments that the building needs urgent attention but 24 flats will create a parking issue and the front facing windows are going to open onto a footpath.

***Comments – The comments received in respect of the parking provision at the proposed development are noted however the previous scheme did not provide any parking either and the application site is noted to be in a sustainable location and does offer cycle storage facilities within the application site and therefore the lack of parking is considered to be overcome for such a central sustainable location. Furthermore, there are opportunities for parking within the locality for residents who may own a vehicle and their visitors and the scheme delivers the opportunity to introduce a TRO should the need arise as a result of indiscriminate parking in the locality.***

***The comments received in respect of windows opening on to the footpath are noted however this is currently the case as the existing windows at the public house open on to the footpath. It is not considered that the proposed change of use raises concerns in this respect.***

***In terms of the impact on the conservation area this has been accounted for in the scheme and this report. The building has stood empty for some time and has deteriorated as a result however there***

***is nothing to suggest that this was the intention of the owner. The issue of antisocial behaviour in the area is a matter for the police.***

## **8.0 HUMAN RIGHTS ACT 1998**

8.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an Authority must be in a position to show:

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

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

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

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

9.2 The Local Planning Authority has worked with the applicant to negotiate solutions to issues raised and to enhance the scheme and has engaged in a positive and proactive manner.

## **10.0 CONCLUSION**

10.1 Overall the proposal as amended is considered to accord with the provisions of Local Plan policies achieving a reuse of this key town centre site and which will contribute to and enhance the local streetscene and the character of the area. The development opportunity is considered to be sustainable.

## **11.0 RECOMMENDATION**

11.1 That a CIL Liability Notice be served;

11.2 That a s106 agreement be entered into in relation to the following:

- Use of the £4000 already paid under the previous s106 agreement for monitoring by DCC of parking in the vicinity of the site for a period of 2 years post occupation of the site and to be used towards any TRO deemed necessary;
- Payment of a contribution of £65,191 in lieu of onsite affordable housing unless a viability study demonstrates such a contribution will prevent the development from taking place;
- Arrangements for the Management and Maintenance of the common amenity areas within the site.

11.3 That the application be **APPROVED** subject to the following conditions on completion of the s106 agreement:

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

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

02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.

- 0557-100-A – Location plan
- 0557-A-01-A – Design & Access statement
- 0557-010A-A – Existing ground floor plan – Block A(1)

- 0557-011A-A – Existing first floor and roof plans – Block A
- 0557-020A-A – Existing front and side elevations – Block A
- 0557-050C-D – Proposed ground and first floor plan - Block C
- 0557-021A-A – Existing rear and side elevations – Block A
- 0557-050A-B – Proposed ground floor plan – Block A(1)
- 0557-051A-B – Proposed first floor and roof plan – Block A(1)
- 0557-060A-B – Proposed front and side elevations – Block A
- 0557-051C-D – Proposed second floor and roof plan – Block C(1)
- 0557-061A-B – Proposed rear and side elevations – Block A
- 0557-060B-B – Proposed front and side elevations – Block B
- 0557-061C-D – Proposed rear and side elevations – Block C
- 0557-050B-B – Proposed floor plan – Block B(1)
- 0557-150-C – Proposed site plan
- 0557-152-B – Phased construction strategy
- 0557-060C-E – Proposed front and side elevations – Block C
- 0557-151-B – Landscape design layout and specification
- 0557-153-C – Proposed NIA and GIA Plans
- 0557-155A-B Proposed Plans and Accommodation Schedule
- 0557-155B-B Proposed Plans, Elevations & Accommodation Schedule
- 0557-155C-E Proposed Plans, Elevations & Accommodation Schedule
- J01978 – Drainage Design Layout (1)
- 0557-141 Existing Site Plan showing partial demolition
- Soakaway Design J01978 by JNM Engineering Ltd

*Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.*

### Drainage

03. No development shall take place until full details of the proposed means of disposal of surface water drainage,



including details of any balancing works and off -site works, have been submitted to and approved by the local planning authority. The details shall include evidence of existing positive drainage to a public sewer from the site and the means of achieving a minimum 30% reduction of flow into the public sewer based on the existing peak discharge rate during a 1 in 1 year storm event. Furthermore, unless otherwise approved in writing by the local planning authority , there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works .

*Reason - To ensure that no surface water discharges take place until proper provision has been made for its disposal.*

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

*Reason - To ensure that the development can be properly drained and In the interest of satisfactory and sustainable drainage.*

05. 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 provision has been made for their disposal.*

#### Site Investigations

06. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any

amendments to those details as may be required, have received the written approval of the Local Planning Authority.

I. A desktop study/Phase 1 report documenting the history of the site.

II. A site investigation/Phase 2 report where the previous indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.

III. A detailed scheme of remedial works should the the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

B. If, during remediation works any contamination is not been considered in the Remediation Method Statement, then additional remediation proposals for this material approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

C. The development hereby approved shall not be occupied written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

*Reason – To ensure potential contamination land issues are appropriately dealt with as part of the scheme.*

Archaeology / Heritage

07. The development shall proceed on the basis of the updated Interim Report on Archaeological Strip Map and Record dated October 2021. Prior to phases 2 or 3 commencing on site a Written Scheme of Investigation (WSI) for the second phase of fieldwork has been submitted to and approved by the local planning authority in writing.  
For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include
1. The statement of significance and research objectives; and
  2. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
  3. The programme for post investigation assessment and subsequent analysis, publication and dissemination and deposition of the resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

*Reason - To ensure that any archaeological interest is appropriately assessed and documented prior to any other works commencing which may affect the interest in accordance with policy CS19 of the Core Strategy and the wider NPPF.*

08. Prior to their installation further details of the proposed replacement windows to the public house building shall be submitted to the Local Planning Authority for consideration. These windows shall be traditional sash windows and not uPVC imitation sash which detract from the character and appearance of the Conservation Area. Only those windows which receive written approval shall be installed on site in accordance with the agreed schedule and details.

*Reason – To ensure that the materials and finishes to the retained building are complimentary to the character and appearance of the Staveley Conservation Area in accordance with policy CS19 of the Core Strategy and the wider NPPF.*

## Ecology

09. Prior to the commencement of development a detailed enhancement strategy that provides details of enhancement measures for roosting bats and nesting birds in the scheme shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented in full as part of the development and maintained as such thereafter.

*Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.*

## Highways

10. The space to be provided for the storage of plant and materials, site accommodation and welfare facilities and the spaces for onsite loading and unloading of vehicles as shown on drawing 0557/152/B shall be laid out and be available free from any impediment to their intended use and be maintained as such throughout the contract period.

*Reason – In the interests of highway safety.*

11. The secure cycle parking facilities as shown on drawing A-SPEC-00-A rev A shall be fully implemented for each phase and made available for use prior to the first occupation of each phase of the development hereby permitted and shall thereafter be retained for use at all times.

*Reason – In the interests of highway safety.*

12. The arrangements for storage of bins as shown on drawing A-SPEC-00-A rev A shall be fully implemented for each phase

and made available for use prior to the first occupation of each phase of the development hereby permitted and shall thereafter be retained for use at all times.

*Reason – In the interests of highway safety.*

13. The existing vehicular and pedestrian access to High Street shall be permanently closed and the existing vehicle crossover reinstated as footway in accordance with a scheme first submitted to and approved in writing by the local planning authority. The new pedestrian access to High Street shall be thereafter formed in accordance with the application drawings and which shall be completed prior to first occupation of the development hereby granted.

*Reason – In the interests of highway safety.*

#### Others

14. 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 residential amenities.*

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

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

16. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

*Reason - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.*

17. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.

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

18. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.  
Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

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

19. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

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

### **Notes**

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.

### **Highways**

03. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable

steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

04. The application proposals are affected by a Prescribed Building Line under the Roads Improvements Act 1925. Whilst it is an offence to undertake building works in advance of this line, it may be possible for the applicant to apply to rescind the line. The applicant is advised to write to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock, Derbyshire DE4 3AG at least 6 weeks before commencing works requesting that the line be removed and confirming that they will meet the Authority's administrative/legal costs if the removal is approved.