

ITEM 1**Construction of a temporary car park and associated works at Chesterfield and North Derbyshire Royal Hospital, Chesterfield Road, Calow, Chesterfield for Derbyshire NHS Foundation Trust**

Local Plan: Unallocated

Ward: St Leonards

Committee Date: 9th January 2023**CONSULTATIONS**

Derbyshire Wildlife Trust	Comments made see report
Yorkshire Water	Conditions recommended
Lead Local Flood Authority	No comments to make on this application
CBC Tree Officer	Comments made see report
CBC Forward Planning	Policy CLP10 allows for the expansion of the facilities, which this supports. Temporary use would not be inappropriate.
CBC Design Services Drainage	The site is not at risk of flooding, as the surface is permeable, we have no concerns.
CBC Environmental Health	No adverse comments to make
Highway Authority	No highway safety comments to make recommend one condition regarding the layout of the parking.
Coal Authority	Not within the high risk area so refer to standing advice.
Archaeology	No requirement for archaeological input
Publicity	Site notices and Press contained an error and therefore the full publicity period has not fully expired. See the recommendation below.

2.0 THE SITE

2.1 The application site is an area of green field where the land has been partially raised at some time in the recent past. The land inclines towards the southerly boundary with the field falling away to the north.

The site is outside of the Hospital grounds yet immediately adjacent to car park 7A close to the Macmillan building at the rear of the hospital grounds.

- 2.2 Plover Hill Farmhouse and former Threshing barn are Grade II listed buildings are located to the north east in close proximity to the application site.



3.0 SITE HISTORY

- 3.1 No relevant recent planning history relating to this parcel of land.

4.0 THE PROPOSAL

- 4.1 Planning permission is sought to create a temporary car park of 219 spaces for the construction workers and staff on an area of land of approximately 558 sq metres. 186 spaces will be for contractors and 33 spaces for hospital staff to replace car park 8 which contains 45 spaces and is unavailable due to the construction works. Access to the contractor area will be via a barrier system. Signage is proposed to identify the parking restrictions.
- 4.2 The car park will be accessed from the hospital ring road only with no access to be provided from Wetlands Lane. It is noted that Heras fencing will be installed around the perimeter of the site for security with bulkhead light fittings attached to this.

4.3 The submission notes that the car park is required until works on the Mental Health Unit are completed which is currently anticipated to be in the summer 2024 and the site will then be restored. It is also noted that the car park will ensure that dangerous ad hoc parking due to lack of space within the site will be avoided during the construction process. The developer has confirmed that 220 operatives are intended to be working on the mental health unit at peak times setting out the scale of the car park necessary.

4.4 Proposed layout plan, as amended:



- 4.5 The site has been selected due to proximity to the construction site and ring road around the Hospital. As the car park is temporary the agent has noted that there will be no adverse impacts in the long term.
- 4.6 The application notes the removal of one category C tree to the southern boundary, all other trees will be retained and be protected. A low level lighting scheme is proposed to ensure safety. Further discussions have confirmed that lighting will be activated on a photocell and timer for a period of 3 to 4 hours maximum per day, being in the winter months, from 6.30am to 8am and then 4pm to 6.30pm only.
- 4.7 Through the application process the site of the car park has been moved to the west to ensure appropriate separation from the adjacent trees.
- 4.8 The surfacing of the site is to be tarmac within the circulation spaces and crushed stone for the parking spaces, this is due to likely wear and tear through the period of use particularly during the winter months.
- 4.9 Site images:



5.0 CONSIDERATIONS

5.1 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 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability

of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.2 Chesterfield Borough Local Plan 2018 – 2035

CLP10 Social Infrastructure

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP15 Green Infrastructure

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP20 Design

CLP21 Historic Environment

CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)

5.4 Key Issues

- Principle of development
- Design and appearance
- Impact on Heritage Assets
- Impact on residential amenity
- Highways safety
- Biodiversity and Trees
- Ground conditions and drainage

5.5 Principle of Development

5.5.1 Policy CLP10 states in relation to the Hospital: The quality, functionality and accessibility of existing social infrastructure facilities will be improved at sites including Chesterfield Royal Hospital, Walton Hospital and Chesterfield College, so as to allow for their future expansion. Masterplans will be required to accompany proposals to ensure the sustainable and co-ordinated development of the hospital and college sites.

5.5.2 Whilst the site is outside of the Hospital grounds this remains a relevant policy in terms of being necessary to allow for the approved hospital expansion. However, the policy should be given more limited weight due to being outside the hospital grounds on a green field site.

5.5.3 Policies CLP1 and 2 seek to locate development within walking or cycling distance of key services. In this case the Hospital site is well connected in terms of cycling and public transport routes. Although the site is outside of the hospital grounds it is well connected to the wider site. Policy CLP15 seeks to protect or enhance landscape character (considered under section 5.6 below) and therefore ordinarily such a development on a greenfield site outside of the grounds would not be favourably considered. However, the proposed temporary car park is necessary to allow for the construction works associated with the approved new mental health facility which will bring required infrastructure to the town. Therefore, the provision of a temporary car park to facilitate these works is considered acceptable in principle despite being outside the Hospital Grounds as a temporary and necessary exception to the usual consideration of Hospital expansion. The detailed impacts are considered below.

5.6 Design and Appearance

5.6.1 Policy CLP20 requires that: All development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context. The Council will support outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, provided that they complement the character and appearance of their surroundings.

5.6.2 Policy CLP15 notes that; Development proposals should demonstrate that they will not adversely affect, or result in the loss of, green infrastructure, unless suitable mitigation measures or compensatory provision are provided. The policy also refers to development protecting or enhancing landscape character.

5.6.3 The existing green field has a rural character compared with the hospital site. In terms of appearance the construction of a car park onto this existing green field will adversely impact the character and appearance of the area. However, whilst there will be visual harm the need for the car park as an essential requirement for the functioning of the Hospital site throughout the temporary construction works has to be considered. Whilst there will be some harm as a result of the works proposed, the temporary nature of the works and the need for these are considered to be sufficient to justify that temporary visual harm.

5.7 Impact on Heritage assets

- 5.7.1 Policy CLP21 notes: In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible.
- 5.7.2 Similarly with the visual impacts noted above, the loss of part of the greenfield will adversely impact the setting of the adjacent listed farm building which are fundamentally associated with their landscaped setting. The harm in this case is considered to be less than substantial harm at the lower end of the scale due to the temporary nature of the works, which in accordance with para 205 of the NPPF can be outweighed by public benefits. The public benefits in this case are the necessary works to enable the construction of the mental health Unit and to avoid dangerous parking with the Hospital grounds as a result of the construction works. Again, the temporary nature of the works ensures that this harm is temporary and will be removed once the site is restored.

5.8 Impact on Residential Amenity

- 5.8.1 Policy CLP14 states that; All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts.
- 5.8.2 As raised by local residents there is likely to be some impact from the development which will bring the parking area of the hospital effectively closer to the neighbouring dwellings. This will have impacts in terms of noise and lighting. However, these additional impacts are not considered to be wholly unacceptable given the proximity of the hospital site itself and the lighting being controlled to be within the necessary working hours within the winter time only as set out in para 4.6 above. On this basis the amenity impacts are considered to be reasonable in terms of the temporary nature of the proposal, it should be noted that the temporary time period will be controlled via condition.

5.9 Highways Safety and Parking Provision

- 5.9.1 Policy CLP22 requires proposals to have acceptable impacts in terms of highway safety.

5.9.2 The Highway Authority has considered this case and noted that; considering that the mental health unit is granted there are no highway safety comments to make to this application. It is recommended that a condition is included in any permission to ensure the parking is suitably laid out before being brought into use.

5.9.3 In line with this advice it is considered that the proposal raises no adverse impacts in terms of highway safety.

5.10 Biodiversity and Trees

5.10.1 Policy CLP16 requires development to consider ecological impact and biodiversity gains.

5.10.2 This is a temporary car park proposal where net gains are not considered to be a reasonable requirement.

5.10.3 Derbyshire Wildlife Trust has considered the scheme and commented that:
“After a review of the proposals, the arboricultural assessment and the PEA, we do not have any significant concerns regarding the temporary car parking arrangements. Category A and B trees appear to be retained outside of proposals and protection measures are specified.

The opportunity could be taken to provide biodiversity enhancements, both during the use of the car park and at the restoration stage. For example, bat and bird boxes could be attached to field and hedgerow trees and boundary features could be strengthened by native hedgerow planting and tree planting, if appropriate.

We do advise that a strategy for restoration should be provided, to include timescales and specifications for any restorative landscaping. We recommend that all restoration works should be sensitive to the rural setting and comprise native species of trees, shrubs, grassland mixes etc, as appropriate

We also advise that a Lighting Plan is secured via condition for the duration the car park is in use, with all lighting to be removed at the end of the temporary period. It is essential that lightspill to the mature field and boundary trees is avoided to avoid potential impacts to bats. Further detail is provided in the Recommendations section of the PEA.”

- 5.10.4 Whilst it is not considered necessary to provide a net gain for the development it is considered reasonable to ensure that the removal of the car park following the temporary use is done in an appropriate way, and a condition is proposed to ensure this with an appropriate restoration scheme.
- 5.10.5 In terms of lighting impacts it is considered that the timing restriction proposed by the agent will ensure that during the majority of the darker hours in the winter the site will be unlit thereby having minimal impact in terms of any wildlife bearing in mind the existing lighting of the wider hospital site.
- 5.10.6 Subject to these conditions the proposal is considered to be acceptable in terms of biodiversity impacts.
- 5.10.7 In terms of tree impacts the Council's Tree Officer has considered the case noting:
"There is a footpath and an area of trees to the west of the site and two individual Oak trees located within the field adjacent to the proposed car parking area. At the entrance of Ploverhill Farm there is also an old, large Horsechestnut which is approximately 15m from the proposed development site.

Arboricultural Impact Assessment and site layout

An Arboricultural Impact Assessment (AIA) by Temple dated 17th October 2022 has been submitted with the application along with site layout and location drawings RG0004-RYD-00-ZZ-DR-A-2800-S2-P2 & RG0004-RYD-00-ZZ-DR-A-2802-S2-P1.

It is proposed that one low quality Elder tree is removed to facilitate the development which is referenced T10 within the AIA. Section 3.11 of the assessment also states that no tree protection fencing is required for the development as it is assumed the site security fencing (referred to as Heras temporary fencing) will be erected along the boundary of the proposed temporary car park, outside the Root Protection Areas (RPAs) of all retained trees. Prohibited construction activities within the retained tree RPA's are detailed at section 3.16. The Heras fencing was erected at the time of a site visit on the 31st October 2022 and it was noted that the site is outside the RPA's of all the retained trees.

A rising barrier and lighting is proposed so any excavation for the services should be outside the designated RPA's.

Landscaping and restoration

No details have been provided of how long the temporary car park will be in use or when the restoration of the field will be carried out.

There are also no landscaping or screening proposals whilst the car park is in use, or any details of the restoration landscaping. It is therefore recommended that a condition is attached for a landscaping scheme to enhance the character and amenity of the area and to provide a biodiversity net gain. It is also recommended that the temporary car park is moved slightly to the west by approximately 3 metres to allow for any screening and create a buffer zone between the trees and footpath to the east.

Conditions should therefore be attached if consent is granted to the application.”

- 5.10.8 Following these comments the scheme has been revised to provide the buffer zone between the proposed car park and the existing trees. It is not considered that a landscaping scheme should be imposed given the temporary nature of the development, which would not allow for an effective landscaping scheme. However, as part of the restoration of the site landscaping details will be required, including a replacement of the removed tree, this is included in recommended condition 1.

5.11 Ground conditions and drainage

- 5.11.1 Policy CLP14 requires that ground conditions are appropriate to ensure site safety. Policy CLP13 requires that development does not increase the risk of flooding elsewhere.
- 5.11.2 In terms of ground conditions the Coal Authority has noted that the site is outside of the high-risk area for former coal mining activity and therefore a standard informative should be included in any decision notice.
- 5.11.3 In terms of drainage Yorkshire Water has noted: “If planning permission is to be granted, then a condition should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure.”
- 5.11.4 The Lead Local Flood Authority has not made comment and the Council’s Design Services Drainage team has raised no concerns. The surfacing of the site is to be porous which will ensure that the site can still allow any surface water to soak into the ground. On this basis the proposal is considered to be acceptable in line with policy CLP13.

6.0 **REPRESENTATIONS**

6.1 8 objections received from local residents raising the following concerns:

- The site is adjacent to Grade II listed Plover Hill Farm and Threshing barn.
- The submission implies the temporary car park is not visible from the listed properties, whereas it is separated by a footpath and sparse tree cover. It is very visible from the listed buildings.
- The development would have a detrimental effect on the open rural character of the fields behind the hospital, it is visually inappropriate and will adversely impact biodiversity.
- It is intended to be in place until the mental health unit is completed which is not an insignificant period.
- The proposal would have a negative impact on the setting of adjacent listed buildings.
- The extent of vehicle movements and lighting will adversely impact the peaceful nature of the setting and residents amenity.
- Recent cycle route proposals are supposed to encourage walking and cycling, the car park as part of this route would have an adverse impact.
- No clear duration of the car park is proposed, and permission should be for a set period and with a reinstatement.
- Have all other options for the provision of parking been considered?
- The mental health unit application included site cabins, why is this car park now necessary?
- 186 contractor parking spaces seems excessive. This should only be allowed for the minimum necessary parking spaces.
- Why are the 33 spaces for the staff needed with hybrid working and the drive to reduce commuting, could this be absorbed within the hospital grounds?
- Recent building works have seen an increase in surface water run off. The site of the car park is low lying and prone to being water logged any run off should not impact neighbouring properties.
- Grass reinforcement systems should be considered.
- The site is raised spoil from the construction of the Macmillan unit. How is this spoil to be dealt with?
- We do not want this to become a permanent car park.
- It should be removed within 6 months of the new unit being opened.
- This will be harmful to the character of the area.
- No justification is provided as to why this is necessary

- This is out of scale with other major construction schemes undertaken at the site.
- This will cause disturbance to local residents.
- Wildlife has declined in the area in recent years, this will impact on wildlife, particularly any lighting.

6.2 Officer response:

It is noted in the submission that the area used during the construction of the Macmillan Unit only accommodated 30 vehicles so this would not be an appropriate alternative as suggested by local residents.

Other matters raised are covered in the report above.

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

8.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of 2019 National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.

9.0 CONCLUSION

9.1 The works will adversely impact the visual amenity of the area and the setting of listed buildings. However, the temporary nature of the proposed car park is considered to be acceptable subject to conditions relating to the temporary period, a restoration scheme and restriction of lighting. On this basis the proposal is considered to be necessary for the infrastructure growth of the Hospital site in line with policy CLP10.

10.0 RECOMMENDATION

10.1 As the corrected publicity has not expired the committee is requested to give delegated authority to the Development Management and Conservation Manager to grant permission in line with detailed recommendation below once the publicity period has expired and on the basis that no new issues are raised through that remaining publicity period.

On this basis it is recommended that the application be **GRANTED** subject to the following conditions:

Conditions

1. This permission is valid for a limited period only, expiring on a date 2 years from the date of this decision or within 2 months of the occupation of the Mental Health unit, whichever comes first. On or before that date the hard surfacing, barrier and fencing hereby approved shall be removed from the site. The land shall be restored to its former condition, in line with a detailed landscaping scheme and associated timing schedule, which shall be submitted to and

agreed in writing by the Local Planning Authority before the expiry of this permission.

Reason: The development is of a type not considered suitable for permanent retention in accordance with policies CLP20 and 21 of the of the Adopted Local Plan.

2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

Amended layout plan 2802 Rev P4 received 15.12.2022

Location plan 2800 Rev P2 received 29.09.2022

Heras fencing specification received 22.09.2022

Rising barrier specification received 22.09.2022

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.

3. 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.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network

4. The security fencing as shown on drawing RG0004-RYD-00-ZZ-DR-A-2802-S2-P1 shall also be used as tree protection fencing and there shall be no storage of materials, machinery, or any other construction activity to the north, east and west boundaries unless the Local Planning Authority gives its written consent to any variation. The fencing shall remain in situ until the development and restoration of the site is completed.

Reason: In the interest of protecting adjacent trees in line with policy CLP16 of the Adopted Local Plan.

5. The tree protection measures contained within the Arboricultural Impact Assessment (AIA) by Temple dated 17th October 2022 shall adhered to throughout the development of the temporary car par and restoration phase unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interest of protecting adjacent trees in line with policy CLP16 of the Adopted Local Plan.

6. There shall be no excavations for the security barrier or lighting within the designated root protection areas of the retained trees.

Reason: In the interest of protecting adjacent trees in line with policy CLP16 of the Adopted Local Plan.

7. The lighting serving the proposed car park shall only be illuminated (switched on) between the hours of 6.30am to 8am and then from 4pm to 6.30pm within the winter months. At all other times there shall be no on-site illumination (the lights shall be switched off).

Reason: in the interests of residential amenity and wildlife in accordance with policies CLP14 and 16 of the Adopted Local Plan.

8. The car park shall not be taken into use until space has been fully provided within the application site in accordance with the application drawings, laid out, surfaced and which shall be maintained throughout the life of the development free from any impediment to its designated use.

Reason: in the interests of highway safety in accordance with policy CLP22 of the Adopted Local Plan.

Informatives:

1. Yorkshire Water Note:

The developer is strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board with regard to surface water disposal from the site. The landowners consent will be required for the construction of a new outfall structure.