

Item 4

Case Officer: Chris Wright

Application No: CHE/22/00680/FUL

PROPOSAL: Demolition of existing buildings and erection of a self storage facility (Unit 1) including office use (Class E(g)(i)) of 186 sqm and two employment units comprising Unit 2 Class E (g)(ii)/E (g)(iii) & B8 and Unit 3 Class E(g) & B8 and associated parking, servicing areas and landscaping (revised drawings received 26th and 27th January 2023)

LOCATION: Former Simply Gym, Sheffield Road, Whittington Moor, Chesterfield for McCarthy's Storage World (Chesterfield) Ltd.

Planning Committee 13th March 2023

Ward: Moor

1.0 CONSULTATION RESPONSES

Ward Members: No comments received

Highways Authority: No objection, subject to conditions

Environmental Health: Requested further information regarding lighting, noise and land contamination. No detailed response from the agent in this regard, or further comments from environmental health provided.

Strategic Planning: No objection, subject to conditions for EV charging and biodiversity.

Lead Local Flood Authority: No objection

Design Services: No objection.

Yorkshire Water: No objection subject to conditions

Economic Development: No comments received.

Cycle Campaign: No objections received, requested that cycle parking to be conditioned.

Derbyshire Wildlife Trust: No objection, subject to conditions

Coal Authority: Material Consideration.

Representations: 1 objection received in regards the overbearing nature of the building to the rear of the houses on Sanforth Street.

Derbyshire Constabulary: Previous comments requesting changes and more information regarding fences – after revised drawings were submitted the proposals are now acceptable.

Tree officer: No objections, subject to conditions.

2.0 THE SITE

2.1 The site the subject of the application is on Sheffield Road, opposite Chesterfield FC Stadium and which is a main thoroughfare along Whittington Moor. The Glass Yard development is located to the north (which includes a selection of business units including showrooms, a food hall, estate agents and other uses) and Stand Road park is located to the north west. To the south and west of the site are residential dwellings.



2.2 The site currently accommodates a large building which is 50m wide by 53m deep and which is split into two different types/uses. The cladded rear

building was most recently used as a gym and the front rendered flat roof two storey building was used as offices and facilities associated with Chesterfield Football Club however both parts are currently vacant. There is car parking to the front and rear and the site is bounded by mature trees to the west, south-west and north-west. A number of the trees to the rear are protected by Tree Preservation Order.

- 2.3 The building was built as a nightclub (Aquarius) and has had permission for several different uses since. There is an incline in levels on site from rear to front, with the rear car park several metres higher than the front of the site.
- 2.4 The surrounding area has a range of architectural influences, with rendered pitched roof terrace-style buildings on Sheffield Road to the south of the site, Chesterfield Football Club stadium to the east of the site (which has a curved roof, brick finish, blue cladding and glazing), older mixed use industrial style buildings and more terraced-style brick finished and rendered mixed use buildings further north of the site. To the direct north of the site there is the Glass Yard development, which is a mix composite cladding and glazing and contemporary metal roof sheeting. The area is mixed and accommodates large format buildings as well as two storey terraced dwellings.

3.0 SITE HISTORY

- 3.1 CHE/0391/0203 - Outline application for B1 business uses – Conditional permission – 15/05/91
- 3.2 CHE/0391/0202 - Outline application for residential development – Conditional Permission - 15/05/91
- 3.3 CHE/0994/0530 - Retention of use of Aquarius car park for car boot sales – Conditional Permission – 17/11/94
- 3.4 CHE/0199/0004 - Outline application for erection of travelodge hotel – finally disposed of – 17/03/00
- 3.5 CHE/0999/0530 - Application for a certificate of lawful use for use as a health and fitness centre within class D2 – Conditional Permission - 19.10.1999
- 3.6 CHE/0999/0537 - External alterations – Conditional Permission - 11/01/00

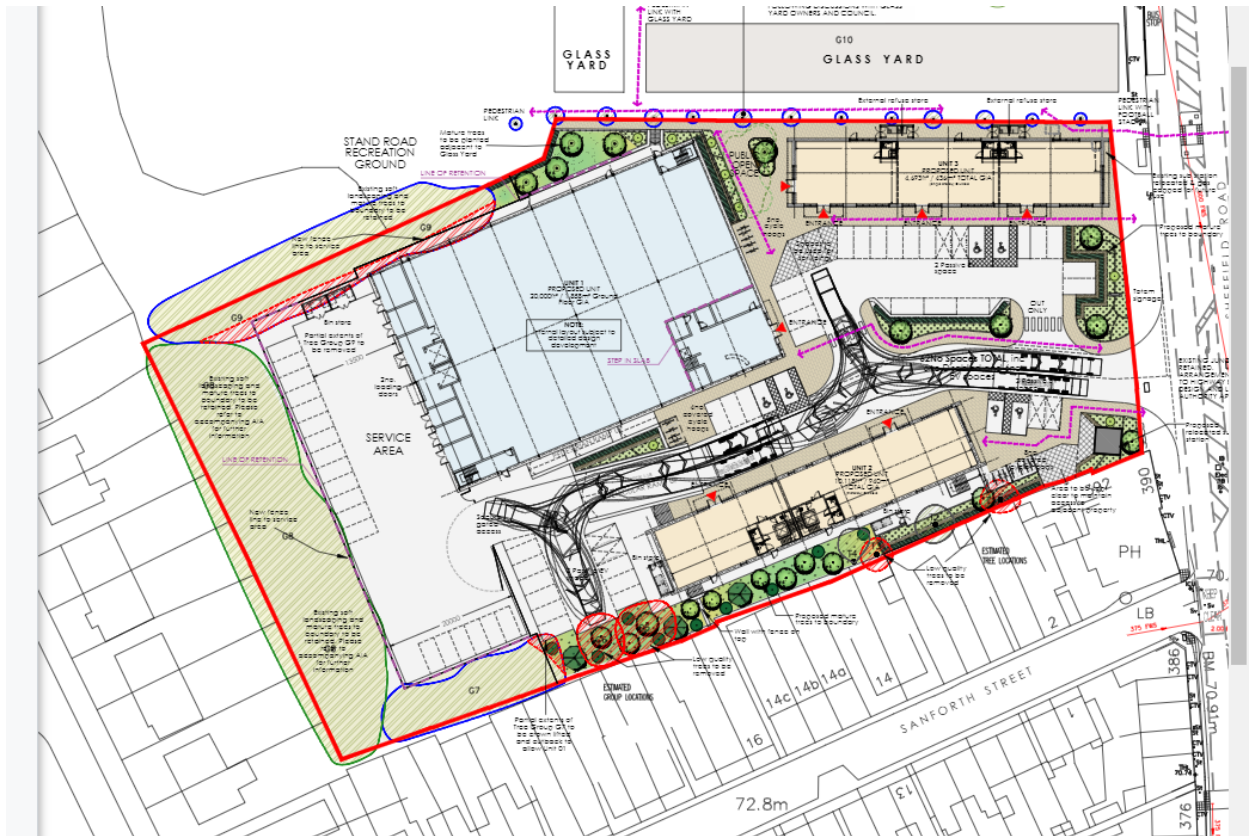
- 3.7 CHE/0100/0002 - Change of use of the front part of the former Gate Night club to a residential training centre within Class C2 for staff training purposes – Conditional permission – 10/02/00
- 3.8 CHE/0200/0080 - Erection of illuminated fascia signs – Conditional Permission – 14/03/00
- 3.9 CHE/0700/0455 - External lighting scheme for existing car park – Conditional Permission - 16/10/00
- 3.10 CHE/05/00092/ADV - Fascia and free standing signs – Conditional Permission - 07/04/05
- 3.11 CHE/07/00735/RET - Retention of secure bin store – Unconditional Permission – 15/11/07
- 3.12 CHE/18/00047/ADV - Replacement of 2 high level existing signs to new brand. replacement of 2 car park totem signs (main ground level entrance signs to use existing frames) – Conditional Permission – 19/04/18
- 3.13 CHE/20/00112/ADV - Signage to front elevation - Invalid Application Returned – 10/05/22

4.0 THE PROPOSAL

- 4.1 Planning approval is sought for the demolition of existing buildings on site and the erection of a self storage facility (Unit 1) including office use (Class E(g)(i)) of 186 sqm and two employment units comprising Unit 2 Class E (g)(ii)/E (g)(iii) & B8 and Unit 3 Class E(g) & B8 and associated parking, servicing areas and landscaping. The proposal has been altered during the application with the buildings moved from their original locations, albeit with the buildings design remaining largely the same.
- 4.2 Unit 1 is 54m deep by 36m wide and a 14m height to the front and 13m height to the rear (due to the variation in land levels); it is proposed to have 3 floors internally, including an ancillary office section to the front corner. The building would be clad in metal sheeting in shades of dark grey, light grey and blue; with a glazed south-eastern corner and blue wrap around section including the branding from the company to the front. It would have high side walls with a shallow pitched roof.

- 4.3 Unit 2 would have a 10.4m width, a 52m length and a 9.8m height to the front and 8.3m height to the rear. It would have two floors with a brick finish on the ground floor and to the front side elevation and dark grey vertical composite cladding on the sides and metal roof sheets. It has multiple windows to the northern side and full length slim windows to the southern side and a pitched roof. Its exact proposed use is unclear at present, but it is separated into 2 units internally, but with some internal changes it could be adapted into 1 or 4 units.
- 4.4 Unit 3 is 10.5m wide, 49m long and 8m in height. It is a single storey building and is for 3 separate units. It has three separate shop frontages, with glazed sections including entrance doors and signage to the southern side, and smaller glazed sections, doors and signs for the northern side. The front of the building also has a glazed and brick section, with entrance doors. The building has some sections of red brick and dark grey vertical cladding and metal roof sheets. No exact business use or companies have been named linked to these units.
- 4.5 The existing access into the site will be altered but it is in broadly the same location. It is proposed to retain the majority of the groups of protected trees G7, G8 and G9, albeit with some crown raising and thinning. It is also proposed to add additional tree planting to the southern group of trees, plant mature trees to the north corner of the site as well several other patches of landscaping. It is proposed to have 62 parking spaces on site and 5 cycle parking loops.
- 4.6 No statement has been provided about the proposed demolition plan.
- 4.7 The scheme has been altered, with the layout revised after comments from the Council with the main change with the swapping of unit 1 and 2 and the related internal roads, parking and landscaping.

The revised scheme layout:



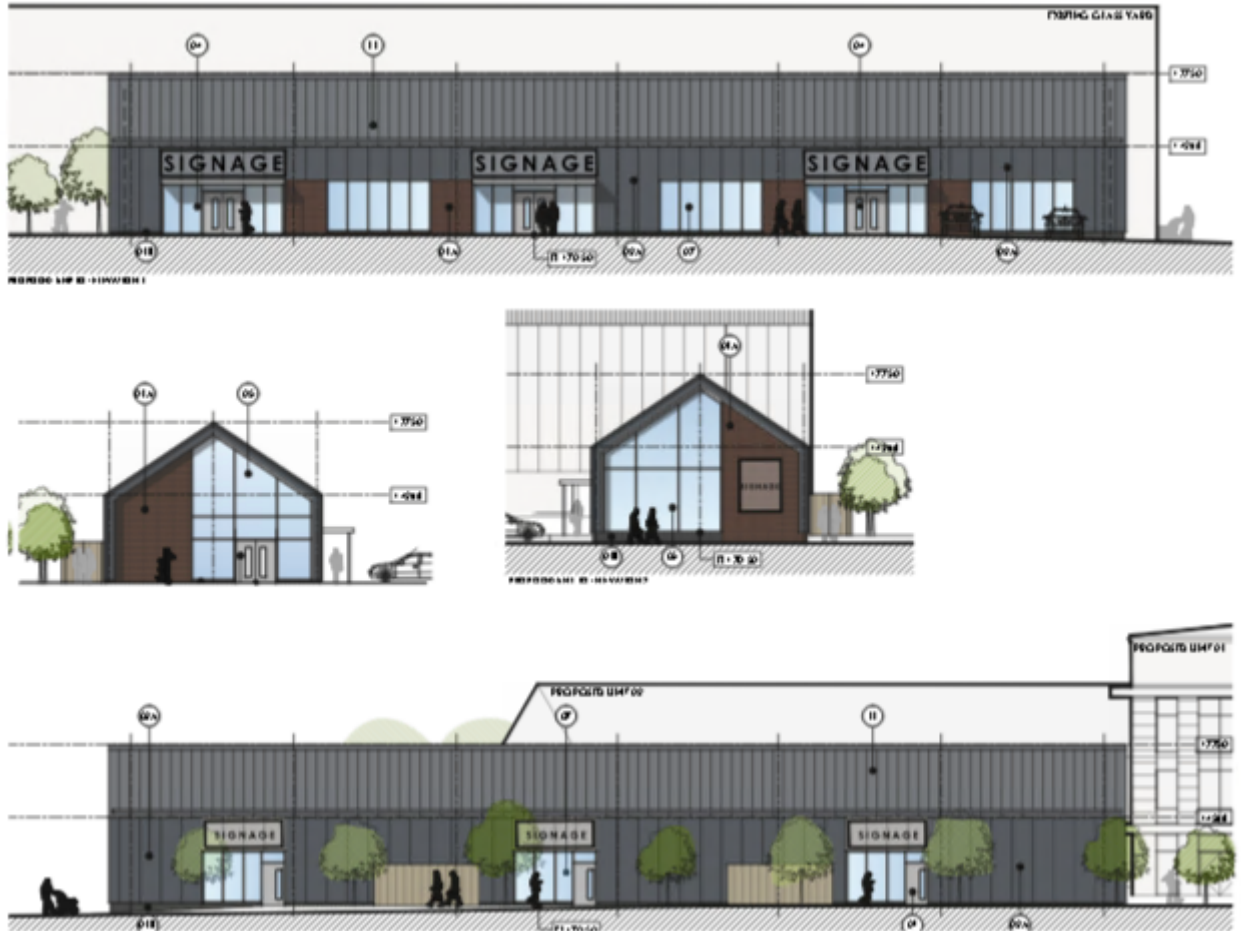
4.8 The development incorporates sustainability measures through minimising energy use including consideration to using a range of low carbon and renewable energy technologies. Sustainable building materials are to be used choosing materials with low embodied energy and a sustainable approach is proposed to construction to reduce disturbance and the impacts on the surrounding area. Sustainable transport, waste management and sustainable site management are all to be included.



Unit 1



Unit 2



Unit 3

5.0 PLANNING POLICY

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

5.2 Chesterfield Borough Local Plan 2018 – 2035

- CLP2 Principles for Location of Development (Strategic Policy)
- CLP6 Economic Growth
- CLP8 Vitality and Viability of Centres
- CLP9 Retail
- CLP10 Social Infrastructure
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment

- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 National Planning Policy Framework

- Chapter 2 Achieving sustainable development
- Chapter 6: Building a strong, competitive economy
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 12 Achieving well-designed places
- Chapter 15 Conserving and enhancing the natural environment

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 The application concerns an existing employment site on the edge of the Whittington Moor District Centre. In this location policy CLP6 states that permission will be granted for office and light industrial uses (now Use class E(g)(i to iii)). B8 uses will be permitted where they would not have an unacceptable adverse impact as a result of traffic movements. The proposed use is therefore appropriate in principle in this location, subject to consideration of the impact of traffic movements by the Highways Authority.

6.1.2 Use Class E now includes other uses that would need to be the subject of a sequential assessment in this location. It also includes uses that would be subject to the council's Community Infrastructure Levy (CIL) and it is considered to be appropriate to include a condition restricting the uses on the site to offices, light industrial, research and development, and storage and distribution, to ensure that the development meets the requirements of the sequential test set out in the NPPF and to ensure the development is not inappropriately subject to the Community Infrastructure Levy (CIL).

6.2 Design and Appearance of the Proposal

6.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.

6.2.2 The surrounding area has a range of mixed architectural influences, with rendered pitched roof terrace-style buildings on Sheffield Road to the south of the site, Chesterfield Football Club stadium to the east of the site (which has a curved roof, brick finish, blue cladding and glazing), older mixed use industrial style buildings and more terraced-style brick finished and rendered mixed use buildings further north of the site. To the direct north of the site there is the Glass Yard development, which is a mix of striped vertical composite cladding and glazing and contemporary metal roof sheeting.



6.2.3 The proposal will introduce an increase in composite-clad industrial buildings albeit with sections of brick and glazing, with units 2 and 3 the closest buildings to the street, with these being smaller scale 1 and 2 storey pitched roof buildings which are appropriate in scale and materials to the surrounding area. Unit 1 is a much larger building and is setback from the road to the rear of the site but which is not inappropriate. It is also within an area that has a range of larger industrial-style buildings that include metal cladding, metal sheet roofing and flat less-detailed elevations. As unit 1 is set back from the road its large massing and shed type appearance is not considered to have a significant negative impact on the prevailing character of the wider area.

6.2.4 It will be important to secure a good quality landscaping scheme for the site frontage with the introduction of trees and suitable landscape areas are shown on the proposed plan and can be secured by condition.

6.2.5 In this regard, the proposal is not considered to be detrimental to the character or appearance of the area. Also, it is not considered that the proposal will lead to a significant impact to local businesses and residents. Accordingly, this application is considered to comply with the design objectives and amenity considerations of policy CLP20 of the Chesterfield Borough Local Plan and Chapter 12 of the revised NPPF.

6.3 Residential 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. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.

6.3.2 An objection was received from a local resident on Sanforth Street, commenting that the positioning of unit 1 in the original iteration of the scheme would have produced an overbearing impact on the quality of the life of their family and enjoyment of their property. The scheme has since been revised to overcome the concerns with the relationship and proximity to these dwellings and no further responses have been received to re-consultation since units 1 and 2 have been swapped over. Unit 1 has a 12.4m high eaves and 14m roof ridge height, in comparison to unit 2, which has a 6.3m high eaves and 9.8m high ridge height. The amended scheme has led to an eaves height reduction of over 6m closest to the neighbouring residential properties, which is considered to be significant improvement. In terms of the massing/overbearing the scheme is not considering have a significant negative impact to neighbouring residents.

6.3.3 The buildings are to the north of the dwellings on Sanforth Street, which ensures that there aren't any significant issues with loss of daylight/sunlight or overshadowing.

6.3.4 In terms of overshadowing the scheme has full length windows to the southern side to unit 2, it is considered that the upper floor windows are at a height which could lead to overlooking towards the rear gardens and windows of dwellings on Sanforth Street, it is considered that the upper windows could be obscure glazed to ensure that these rooms receive light without impacting the residential amenity of the neighbouring dwellings. Furthermore new landscapint.is proposed alongside the rear of the Sanforth Street gardens which will in due course assist in screening the developmenet

6.3.5 The scheme is considered to be acceptable in terms of residential amenity impacts and is in line with policy CLP14, as well as the revised NPPF.

6.4 Highways Safety

6.4.1 Local Plan policies CLP20 and CLP22 require consideration of parking provision and highway safety. In relation to highway safety the proposal would replace a former gym with 6 separate units, which includes a storage business and 5 unknown uses/businesses. The site includes 62 parking spaces on site, which includes 8 disabled and 6 EV charging spaces.

6.4.2 The Transport Statement supplied with the application states that in normal circumstances 72 spaces are required for the storage unit on its own (B8), with potentially 25 spaces for offices and 19 spaces for light industrial uses. This site is however sustainably located where a lower parking provision can be achieved. Furthermore as the uses of the 5 other units on site is unknown/unclear at present it is not possible to gauge any part of the staff parking requirements and customer access to the site. It is unclear how the parking spaces on site are split between staff and customers also.

6.4.3 The site is in a highly sustainable location, as it's on a main road which has a regular bus service and is within 400m of cycle way. It's also adjacent to a large residential area, which provides for customers and staff to walk to the site. It is accepted that many storage customers may be required to visit the site by vehicle though. The impact of vehicles on the site will vary depending on the exact nature of the future businesses though.

6.4.4 The Highways Authority was consulted on the scheme, and after providing several comments they confirmed that they do not object to the scheme.

6.4.5 There is cycle parking on site for 17 bikes, which is considered to be an acceptable level of parking for a development of this scale. Chesterfield Cycle Campaign has supported this development.

6.4.6 The scheme has 6 EV charging parking spaces on site, which is approximately 10% of the 62 parking spaces on site; this number of EV charging units is appropriate for the site, as long as these spaces are available to use for customers when the site is occupied. The proposal is therefore not considered to conflict with the requirements of Policy CLP22 criteria and is acceptable.

6.5 Biodiversity/trees

- 6.5.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the borough’s 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”.
- 6.5.2 The main biodiversity features on site are the sections of trees to the western, south-western and north-western sides of the site which are to be largely left intact. It is proposed to add several mature trees and other landscaping on site, which will contribute towards a significant biodiversity gain on site.
- 6.5.3 Derbyshire Wildlife Trust has commented on the scheme and has not objected, noting that *“We note that a potential fox den was located onsite within Tree Line 1. Due to the legal protection afforded to fox under The Wild Mammals (Protection) Act 1996, best practice measures should be implemented to ensure that no impacts to the den occur. Currently, Tree Line 1 is proposed for retention. Contractors should also be aware of the potential presence of hedgehogs in dense vegetation, however the majority is to be retained”*. This advice is noted and will be kept as a note on a decision. They have also requested conditions in relation to nesting birds and biodiversity action plan.
- 6.5.4 The Council’s Tree Officer was consulted on the scheme, and he provided these comments:

It is proposed to demolish the existing building and construct a self-storage facility including office use and two employment units with associated parking, service areas and landscaping at McCarthy’s Removal and Storage, Sheffield Road.

The site is subject to the above mentioned Tree Preservation Order where there is a large group of trees to the west boundary reference G1 and referred to as G8 in the AIA and originally, a small group of trees reference G2 to the frontage off Sheffield Road which have previously been removed.

Arboricultural Impacts

An Arboricultural Impact Assessment (AIA) by JCA Arboricultural & Ecological Consultants Limited has been submitted with the application and it is proposed as stated within the assessment that in order to facilitate the proposed development, it will be necessary to remove T2 Elder, T4 Hawthorn, G5 (mixed group of Goat Willow, Cypress and Cherry) and G6

(mixed group of Cypress and Cherry) as shown on the Tree Constraints Plan at appendix 5 of the AIA. Of these T2, T4 and G5 fall into retention category 'C' and G6 falls into retention category 'B'.

None of the trees subject to a Tree Preservation Order are to be removed. The trees within G9 require crown lifting to 5.5 metres where they overhang the proposed hard standing, as detailed at Appendix 1 of the AIA and shown in the Arboricultural Implications Plan at Appendix 6.

Landscaping

A landscaping scheme reference 17669-1-VL_L01 REV C is proposed for the site to mitigate against the loss of trees and improve the visual amenity of the site and general area. It is considered that the landscaping is well-designed, appropriate for the setting and likely to provide biodiversity benefits along with an improvement to the visual amenity of the site. Standard and extra heavy standard size trees are proposed along with ornamental shrub and formal hedge planting which include species, quantity and spacings. Soft landscaping specifications and a maintenance programme is also included on the drawing. The landscaping details are therefore acceptable.

Recommendations

As recommended at section 4.7 of the AIA, the proposed development if granted consent should be accompanied by an Arboricultural Method Statement (AMS) detailing the specific protection measures necessary for each tree. This should specify the required fencing standard and positions (the creation of the Construction Exclusion Zone), acceptable construction techniques and necessary tree works. A tree protection condition should therefore be attached as detailed below.

As previously mentioned, the landscaping scheme proposed is acceptable and should be tied to the scheme if consent is granted to the application to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality. The landscaping condition below should also be attached if consent is granted.

- 6.5.5 The proposed development is considered to retain the majority of trees and the existing biodiversity features on site and offers a reasonable landscaping proposal including mature trees to the north and south of the site. It offers a biodiversity net gain on site, and the development is not

objected to by either of the above consultees. This ensures that the proposal is acceptable in relation to policy CLP16 of the Local Plan and the NPPF.

6.6 **Land contamination/Land Stability**

6.6.1 The Council's Environmental Health Team was asked to comment on this scheme and have not commented on land contamination on site. A detailed desk top survey has been supplied in relation to the site and this has recommended that a contamination screening is used during any groundworks or geotechnical related investigations. An asbestos survey should also be completed prior to any demolition works. A land contamination condition and demolition method statement (including asbestos) condition should be included in a decision to ensure this issue is considered appropriately.

6.6.2 With regards coal mining legacy on site, a Coal Mining Risk Assessment has been supplied as part of the desk top survey and the Coal Authority has agreed with its findings and not objected to the proposal, subject to conditions. The developers have also been made aware of the potential issues of mine gas and the use of SUDs on site. This ensures that the development is in line with policy CLP14 in regards coal mining legacy.

6.7 **Environmental Health**

6.7.1 The proposal is for the siting of 3 buildings on site, which could be for up to 6 separate businesses, 5 of which are unknown and could be for any business within the Use Class E grouping. With regard to noise on site it is considered reasonable to restrict the working hours during construction. The proposed opening hours for all businesses on site is unlimited, with no separation between the businesses on site and it is considered this is unreasonable, as up to 5 of the business uses on site is unknown and of their impacts. As the site is adjacent to two residential streets (Sanforth Street and Greenside Avenue) it is considered that opening hours and the proposed businesses on site need to be considered further, via condition. A noise report has been provided but it is not considered by the Councils EHO that the exact details of noise impacts of the storage business or the unnamed other businesses on site have been addressed/considered sufficiently, especially in regards possible noise impacts between 10.30pm and 7.30am. There is also further clarification required over the noise the shutters and external plant and vehicles related to the functioning of the business. Further clarification is required to ensure this has been suitably

considered, although this needs to be considered separately for the storage business and pre-occupation of the other units on site. The applicant has confirmed that there will be no external plant and for security reasons the units would have standard burgler alarms. The applicant also confirms fork lift trucks would not operate on the site and trolleys will be made available for customers which are substantially quieter than fork lift trucks. McCrathys also propose to use quiet mechanisms to BS standards such that their operation is quiet and that they intend to erect signage to advise customers to be quiet between 10:30pm and 07:30am. The applicant also agrees to the hours restriction on the construction phase.

6.7.2 With regards air pollution, the scheme includes 6 EV charging “passive” parking spaces, which means that the network of cables and power supply are included on site but not the specific socket/charging device; although it can be added later. Due to the unknown users of up to 5 units on site it is accepted why this approach has been taken by the applicant, but unfortunately this approach is not policy compliant, as confirmed by the Council’s Strategic Planning team in their policy comments. Active charging units will be conditioned to be included in the scheme to ensure that the proposal is acceptable in relation to policy CLP14.

6.7.3 Due to the late night opening hours proposed the site will rely on lighting to safely function, as it is adjacent to residential dwellings further details are required to clarify what type of lighting is proposed and their precise locations and this can be considered via condition.

6.8 **Drainage/Flooding**

6.8.1 The site is an existing developed site, with a large building on site and is surrounded by a tarmacked car park. The site is not known to be a risk of flooding.

6.8.2 The Lead Local Flood Authority and the Council’s Design Services team have been consulted and commented on the scheme and did not object to the proposal. Yorkshire Water has also been consulted, they did not object but requested the inclusion of conditions in any decision in regards more information of surface water; these were considered to be acceptable. This ensures that the scheme is acceptable in this regard.

6.9 **Designing Out Crime**

6.9.1 Derbyshire Constabulary has been consulted on the scheme. In the original iteration of the scheme they requested amendments in regard the proposed fencing of the scheme. The scheme has been revised since their original comments and they now have no objection to the scheme.

7.0 REPRESENTATIONS

7.1 1 objection received in regards the overbearing nature of the building to the rear of the houses on Sanforth Street.

7.2 Officer comment – These comments have been considered in the residential amenity chapter above.

8.0 HUMAN RIGHTS ACT 1998

8.1 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

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 and 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.

10.0 CONCLUSION

10.1 The proposed development is considered to sufficiently reflect the architectural characteristics and form of the existing site and surrounding area. Furthermore, it is not considered that the development would result in significant injury to the amenity of nearby businesses or residents. It is not considered to lead to a negative impact upon highway safety of the local area. As such, this application is considered to comply with the requirements of policies CLP2, CLP14, CLP16, CLP20 and CLP22 of the Chesterfield Borough Local Plan 2018-2035 and Chapter 12 of the revised National Planning Policy Framework, subject to condition.

11.0 RECOMMENDATION

11.1 It is therefore recommended that the application be **GRANTED** subject to the following conditions:

11.2 Conditions

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

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

2. The development hereby approved shall only be carried out in full accordance with the approved plans:

- Site Location Plan,
- Existing Site Plan,
- Proposed Boundary Treatments,
- Proposed Site Sections (Rev C),
- Vehicle tracking swept Path analysis,
- Proposed Site Plan (Rev D),
- Landscape Plan (Rev C),
- Proposed Unit 1 GA Plan (Rev C),
- Proposed Unit 1 Roof Plan (Rev C),
- Proposed Unit 1 Sections (Rev C),
- Proposed Unit 1 First and Third Flood plans (Rev C),
- Proposed Unit 1 Second Floor plans (Rev C),
- Proposed Unit 2 GA Layout (Rev B),
- Proposed Unit 2 Elevations and Sections (Rev C),
- Proposed Unit 3 Elevations and Sections (Rev C),
- Proposed Unit 3 GA Layout,
- Flood Risk Assessment (revised document submitted 17/02/23),

- Arboricultural Impact Assessment (Revised document submitted 21/02/23),
- Ecological Impact Assessment (Revised document submitted 09/02/23),
- Noise Assessment (revised document submitted 14/02/23)
- Transport Statement (Rev 2);
with the exception of any approved non-material amendment.

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. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting these Orders with or without modifications), the premises shall be used for offices, light industrial, research and development, and storage and distribution uses only, and for no other purpose within class E.

Reason - To manage the future use of developments, including the restriction of future permitted development rights where these are appropriate to ensuring the viability and vitality of employment areas in the future, in relation to policy CLP6 of Chesterfield Local Plan and the NPPF, and to ensure the development is not inappropriately subject to the Community Infrastructure Levy (CIL).

4. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14.

5. Prior to the development hereby permitted being occupied/brought into use the southern facing windows on the first floor of unit 2 shall be installed with obscure glazing and with no opening part being less than 1.7 metres above the floor level. The obscure glazing shall be obscured to a minimum of Pilkington - Privacy Level 3 or an equivalent product. Once installed the glazing shall be retained as such thereafter.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14.

6. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage which may affect the retained trees.
- b) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- c) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- d) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- e) Methods to improve the rooting environment for retained and proposed trees and landscaping

The development thereafter shall be implemented in strict accordance with the approved details.

Reason - Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality pursuant to section 197 of the Town and Country Planning Act 1990.

7. There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of

planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason – In regard policy CLP16 and the protection of biodiversity on site.

8. Prior to first occupation, the proposed respective parking areas to each unit shall be provided in accordance with the application drawing such that vehicles can be parked. Once provided, the space shall be retained free from any impediment to its designated use for the life of the development.

Reason – In the interests of highway safety and policies CLP20 and CLP22.

9. No development shall take place until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan/statement shall provide for:
 - i. Parking of vehicles for site operatives and visitors,
 - ii. storage of plant and materials and site accommodation,
 - iii. details/method of construction/demolition of buildings on site.
 - iv. method of prevention of mud/debris being carried onto the public highway,
 - v. proposed temporary traffic management/restrictions,
 - vi. arrangements for loading/unloading and turning vehicles within the site,
 - vii. any roadside fencing/hoarding, and

Reason – In the interests of highway safety and policies CLP20 and CLP22.

10. No clearance of scrub, trees or hedgerow shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason - In regard policy CLP16 and the protection of biodiversity on site.

11. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
- integral universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022, or equivalent external boxes suitable for building construction and/or trees.
 - integral or external bat boxes suitable for buildings or trees.
 - insect bricks / boxes.
 - fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs

Reason - In regard policy CLP16 and biodiversity on site.

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

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason - To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site, in regard policy CLP14.

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

Reason - To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site, in regard policy CLP14.

14. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason - In the interest of satisfactory and sustainable drainage, in regard policy CLP13.

15. Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 50 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer.

Reason - To prevent pollution of the aquatic environment and protect the public sewer network, in regard policy CLP13.

16. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-
- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
 - b) evidence of existing positive drainage to public sewer and the current points of connection; and
 - c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason - To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage)

17. Prior to installation, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the proposed lighting scheme.

All works shall be fully implemented in accordance with the approved scheme before the use commences.

Reason - To ensure that the development does not appear as an unduly prominent feature in the area and in the interests of amenity in accordance with policy CLP14.

18. Prior to any roller shutter being installed on site details of the shutter demonstrating a 'quiet' mechanism shall be submitted to and agreed in writing by the LPA. Works shall be completed in accordance with the agreed details.

Reason – To ensure that the features are not unduly loud and lead to a negative impact to the residents at surrounding dwellings, in regard policy CLP14.

19. b) Prior to works commencing on site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;
- c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;
- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;
- e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';
- f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason - This condition is required in the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with policy CLP14.

20. 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 – This is a pre commencement condition in order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CLP6 of the Core Strategy.

21. The development shall include 6 Non-residential charging points to be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to first occupation on site and shall be maintained for the life of the approved development.

Reason - In the interests of air pollution and policy CLP14.

22. Prior to any external plant being installed on site details of this shall be submitted to and agreed in writing by the LPA. Works shall be completed in accordance with the agreed details.

Reason – In the interests of the residential amenity of the surrounding residents and policy CLP14.

23. The site shall be landscaped and maintained strictly in accordance with the approved details provided in the Landscape Plan (drawing 17669-1-VL_L01 Rev C) in the first planting season after completion or first occupation of the development, whichever is the sooner.

Any new plant(s) and tree (s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased shall be replaced. Replacement planting shall be in accordance with the approved details.

Reason – In the interests of visual amenity and biodiversity, in regard policies CLP16 and CLP20.

25. No development shall take place including any works of demolition until demolition method statement has been submitted to and been approved

in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the demolition periods.

The statement shall provide for but not necessarily be restricted to the following as appropriate.

- Parking of vehicles of site operatives and visitors
- Routes for construction traffic, including abnormal loads/cranes etc.
- Hours of operation
- Method of prevention of debris being carried onto highway
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions
- Arrangements for turning vehicles
- Dust suppression to neighbouring residents
- Limiting impact of noise surrounding dwellings
- Dealing safely with asbestos on site
- Any other issue related to the safe demolition of the existing buildings

Reason - In the interests of highway and pedestrian safety and policies CLP20 and CLP22.

26. The cycle parking stands in the Proposed Site Plan shall adhere to the standard in the Department for Transport's Cycle Infrastructure Design Local Transport Note 1/20, as specified in chapter 11.

Reason – in the interests of highway safety and policy CLP22.

27. Prior to the commencement of the development, a statement shall be submitted to and agreed in writing by the Local Planning Authority setting out how the development will address matters of climate change through the construction and occupation stages of the development.

Reason: To ensure that climate matters are fully considered in the construction and occupation of the dwellings in line with policy CLP20 of the Adopted Local Plan.

11.3 Informative Notes

1. 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.

2. We note that a potential fox den was located onsite within Tree Line 1. Due to the legal protection afforded to fox under The Wild Mammals (Protection) Act 1996, best practice measures should be implemented to ensure that no impacts to the den occur. Currently, Tree Line 1 is proposed for retention. Contractors should also be aware of the potential presence of hedgehogs in dense vegetation, however the majority is to be retained.
3. 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.
4. 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. 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, developers should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.
5. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.