



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGULATORY - PLANNING COMMITTEE

Report of the Executive Director - Place

- 1 Construction of the Initial Approximately 160m Stretch of Link Road from the Junction of Hollis Lane and Spa Lane. Works to include the Realignment of the Spa Lane/Hollis Lane Junction, New Pedestrian Crossings and a Shared Foot/Cycleway along the Eastern Boundary off the Carriageway and a New Cycleway Adjacent to the A61 Off-Slip
Applicant: Derbyshire County Council
Code No. CD2/0922/19**

2.733.5

1. Introductory Summary

- 1.1 The proposed development, under this application, would provide the first phase of a two-phased scheme for the construction of a link road (“the Hollis Lane Link Road”) (HLLR) which, in its entirety, would connect Hollis Lane (at the junction of Spa Lane, east of Lordsmill Roundabout) to Crow Lane (located by the entrance of Chesterfield Railway Station) and the Brimington Road/Brewery Street roundabout junction.
- 1.2 The scheme is planned to bring significant economic and public benefit through providing sustainable infrastructure links towards the Chesterfield Waterside Development area and in aspiration for future development at Chesterfield Railway Station. The new link road would create options for redevelopment of sites located between the railway line and the A61, which would support Chesterfield’s proposals for the regeneration of the railway station and the implementation of the town centre Masterplan. The new link road would provide a second route towards the train station and would help to alleviate traffic congestion

around St Mary's Gate and the town centre and would help to relieve pressure on the A61.

- 1.3 The development includes highways, cycle and footway links and indicative landscaping. Disturbance to businesses and residents would, in the main, be during the construction period and could be mitigated through the imposition of conditions. It is considered that the application can be recommended for approval, subject to conditions, on the basis that the value of the benefit of the development is sufficient to outweigh any limited extent of the harm from impacts identified.
- 1.4 A similar application has previously been approved by the Regulatory Planning Committee, application code CD2/0819/40 (minute no. 78/19 refers). Due to land ownership issues and time constraints, however, that permission has not been implemented. The proposals have been revised and are now the subject of this application.

2. Divisions Affected

- 2.1 Spire.

3. Purpose

- 3.1 To enable the application to be determined by the Regulatory - Planning Committee.

4. Information and Analysis

Site and Surroundings

- 4.1 The application site, which also encompasses the site envisaged for a second phase of development subsequent to the development proposed under this application, is located to the east of Chesterfield town centre. The application area is approximately 7.8 hectares (ha) which is predominantly previously developed, brownfield land. The site is bordered to the north by the River Rother, to the west by the A61 and to the east by the railway line. Phase 1 of the scheme, to which this application relates, extends from the junction of Hollis Lane and Spa Lane in a northerly direction for approximately 160m, terminating on the boundary of the train station car park.
- 4.2 To the east of the proposed link road is an area of Network Rail owned land, beyond which is the railway line. The train station is located within the northern section of the site boundary and the train station car park also extends over the northern section of the site. This land is owned by Network Rail and the southern boundary of the car park, where it meets the former Jewson's Builders Yard, demarks the beginning of the extent

of works proposed for Phase 1 of the link road. A cycle-path (Chesterfield Station to Queen's Park Link) runs through the site in a north-south direction. A number of commercial buildings and associated grounds lie in the southern half of the site, including Jewson's Builders Yard and Leonide Interiors off Spa Lane. The Bridge Inn public house and four terraced properties facing Hollis Lane are also within the site boundary. Within the northern section of the site boundary lies the site of the former Chesterfield Hotel; the hotel has recently been demolished.

- 4.3 The site does not contain any national or local ecological designations, nor landscape designations. There is one listed building within the site boundary, the grade II listed Engineers Offices at Goods Yard, British Rail Station. A small section of the north-eastern element of the Town Centre Conservation Area (CA), which includes Corporation Street, falls within the northern end of the application red line boundary. There are numerous other listed buildings within several hundred metres of the site. The majority of the site for Phase 1 falls within flood zone 1. There are no waterbodies on site.

The Proposal

- 4.4 Derbyshire County Council is seeking planning permission for the first phase of a two-phase scheme for the construction of Hollis Lane Link Road. The finalised full link road, comprising both phases, would link the junction of Hollis Lane/Spa Lane to Crow Lane (located by the entrance of Chesterfield Railway Station) and the Brimington Road/Brewery Street roundabout junction.
- 4.5 Phase 1 (the southern section of the scheme, and the development to which this application relates) comprises:
- The realignment and widening of the existing Spa Lane/Hollis Lane junction. This would allow for a new central refuge to guide pedestrians to use safe crossing points over the Hollis Lane Link Road. The widening of the junction will also allow for the southward carriageway to be split into two lanes: one for traffic heading east, the other for traffic heading west.
 - The creation of the initial 160m (approximately) length of link road which lies adjacent (at a lower level) to the A61, leading from Hollis Lane/Spa Lane junction through to the northern boundary of the former Jewson's Builders Yard. Two buildings relating to the former Jewson's Builders Yard operation would be demolished prior to the road construction.

- The creation of a temporary access ramp to provide a low-speed connection into the car park with width and barrier restrictions to deter misuse. (During the period prior to Phase 2).
- The provision of a 2.4m – 3.5m wide shared footway/cycleway on the eastern boundary of the carriageway. A 2m paved footway adjacent to the western boundary of the carriageway
- New pedestrian crossings to be provided at:
 - i) Signalled crossing across the A61 off-slip road – enabling pedestrians from Lordsmill Roundabout to access safe crossing points.
 - ii) A toucan crossing at Hollis Lane for the shared access facility.
 - iii) Introduction of a pedestrian refuge island on Hollis Lane and Spa Lane.
- An access into the former Jewson's Builders Yard to provide a turning head for vehicles.
- A new stretch of cycleway adjacent to the A61 off-slip, allowing users of the current (train station to Ravenside Retail Park) cycle path to exit/join at Hollis Lane. A further link to the existing cycle path is proposed from the northern extent of the link road adjacent to the network rail parking area.

4.6 The northern section of the full scheme (Phase 2) is not part of this application. Therefore, a full application for permission would also be required in respect of Phase 2 in order for it to progress. It is anticipated that Phase 2 would extend from the initial section of link road (Phase 1) through the station car park area and on to Crow Lane.

Site Planning Application History

4.7 This planning application is similar to one submitted to Derbyshire County Council in August 2019 (application code: CD2/0819/40). That application received conditional planning permission on 16 December 2019 (Minute No. 78/19 refers). Due to land ownership issues and time constraints, however, that permission has not been implemented. The proposals have been revised and are now the subject of this application.

4.8 The main difference in this revised scheme from the original 2019 application is the shortened length of the link road proposed within the Phase 1 development. This has been reduced from approximately 270m to 160m. The extent of the Phase 1 development, under consideration now, would terminate at the Network Rail car park boundary. Under the previously approved scheme, the Phase 1 extent of road went approximately 90m further north, into the Network Rail car park. A turning head has also been incorporated into the development proposals; this would be at the northern end of the Phase 1 proposal

where the former Jewson's Builders Yard access would be realigned. A temporary controlled access point with barriers is also now proposed into the Network Rail car park. Whilst the longer-term aspiration is that Phase 1 would link directly into Phase 2, the temporary access point and turning head now proposed would enable the operation of the Phase 1 development in isolation from the longer-term aspiration to link into Phase 2. The applicant has indicated that the access point and barriers would be removed on any completion of Phase 2.

- 4.9 Precise details of the controlled access point into the Network Rail car park have not been provided but the applicant has confirmed that the proposed controlled access has been agreed in principle with Network Rail.
- 4.10 Other planning applications recorded within or adjacent to the site boundary from within the last five years relate mainly to the proposed development to the north of the site known as the Chesterfield Waterside Development. Upon completion of both phases of the link road, the HLLR would connect to the southern extent of the Chesterfield Waterside Development and would therefore create access to the development which would avoid the historic town centre.
- 4.11 The outline planning permission considered by Chesterfield Borough Council (CBC) for the Waterside Development granted approval for:
- approximately 1,500 dwellings;
 - 30,000m² of office, business and industrial spaces;
 - shops, restaurants and leisure use around a new canal basin on the former Trebor/Bassett factory site;
 - a new stretch of canal; and
 - the protection and enhancement of the environment of the River Rother and Chesterfield.
- 4.12 CBC has approved numerous reserved matters applications since the original outline planning permission for the Waterside Development scheme.

Consultations

Local Member

- 4.13 Councillor Ramsey has been consulted.

Chesterfield Borough Council – Planning

- 4.14 CBC confirmed that the link road has been an aspiration since the adoption of the 2006 Chesterfield Borough Local Plan, a commitment

that has been carried forward to the current local plan. It is considered that the proposed scheme is in line with the aims of the Masterplan and is therefore broadly supported.

- 4.15 CBC states that the impacts of the proposal on climate change should be thoroughly considered in light of the climate emergency declared by the Borough and that long term aims should be secured in line with Policy CLP20 of the Chesterfield Borough Local Plan (CBLP).
- 4.16 Further consultation regarding the additional information received from the applicant stated the biodiversity net gain secured by the development is welcomed.
- 4.17 CBC received comments from two action groups, Chesterfield Cycle Campaign and Transition Chesterfield, which have been forwarded to the planning department. They are summarised within the representation section below.

Chesterfield Borough Council – Environmental Health

- 4.18 Has been consulted and has no adverse comments to make.

Network Rail

- 4.19 Network Rail has confirmed it is aware of the proposals and the developer is engaging with it regarding this scheme. It states that, subject to discussions continuing as necessary and the developer entering into any agreements/licences required to undertake work, Network Rail has no observations to make.

Highways England

- 4.20 Has no objections.

Natural England

- 4.21 Has confirmed it has no specific comments to make on this proposal. General guidance has been provided as an annex.

The Environment Agency

- 4.22 Has been consulted and no comments have been received.

Historic England

- 4.23 Has confirmed it wishes to make no comments on the application.

The Coal Authority

- 4.24 Has been consulted. It states that, on the basis of the information submitted and the professional opinions of AECOM as set out therein, the Coal Authority has no objections to the planning application as proposed. It would, however, expect to see the implementation of

recommendations, as set out within the submitted information during construction works.

Derbyshire Wildlife Trust

- 4.25 Has been consulted. It has provided comments regarding the submitted information. It recommends an update to the submitted Construction Environmental Management Plan (CEMP) and also advises a compliance condition to be attached to ensure recommendations contained within the updated CEMP are implemented in full.

National Grid

- 4.26 Has been consulted. It states that diversions will still be necessary and, should this application proceed to construction, it would be necessary for Derbyshire County Council to apply to National Grid Electricity Distribution for a quotation to divert the cables affected by the works.

Cadent Gas

- 4.27 Has been consulted. It had no objection and provided an informative note to be included in any decision notice.

Yorkshire Water

- 4.28 Has provided comments suggesting conditions to be applied to any permission.

Local Lead Flood Authority

- 4.29 The County Council, in its role as Local Lead Flood Authority (LLFA), has been consulted. It has no objections subject to the attachment of the pre-commencement conditions suggested.

The Highway Authority

- 4.30 The County Council, in its role as Highway Authority, has stated that the proposal has been promoted, designed and checked by competent internal and external designers and engineers. The proposed design meets all relevant highway safety and design specifications. The HA has no comments to make on the application.

Publicity

- 4.31 The application has been advertised by press notice in the Derbyshire Times and site notices have been posted around the site. At the time of writing, representations have been received from two members of the public. Comments have also been received from Chesterfield Cycle Campaign and Transition Chesterfield objecting to the proposals.

- 4.32 Comments received from members of the public are as follows, in summary:

- Concerns from a local business with regard to access for deliveries and interruption to trade, alterations to the gate and driveway of business premises and rights over use of these.
- Concerns regarding the safety of the shared foot/cycleway and access to business premises.
- Concerns raised regarding the unknown impacts of Phase 2.
- Concerns over the additional traffic congestion on Hollis Lane.
- Concerns over sustainability.
- Concerns over increased traffic, carbon and air pollution, stating it is at odds with a declared climate emergency.
- Concerns over bus access.
- Comments that Phase 2 would undermine cycling and walking.
- States that any approval for Phase 1 should not imply approval of Phase 2.

4.33 Comments received from Transition Chesterfield (TC) are as follows, in summary:

- TC welcomes the ambition to improve accessibility to Chesterfield Railway Station but states that this could be achieved in a more sustainable climate-friendly way.
- TC states it does not support creating more space for vehicles, suggests that revised proposals should be brought forward that encourage the use of public transport, cycle and pedestrian traffic.
- Would like to see a vision for developing the area with sustainability at its core that provides a welcoming gateway for visitors.
- Disappointed that the main focus of the proposal is vehicle based.
- Considers that the proposals do not create much improvement in terms of route options.
- Proposes that St Mary's Gate should be considered for closure to vehicular traffic.
- Overall vision of the use of the new site is unclear. The end result could potentially discourage cycle and pedestrian use.
- Would be interested to learn of the proposals to evaluate the success or otherwise of the proposals.
- TC requests that the proposals be withdrawn and revised proposals are brought forward with sustainability at its heart.

4.34 Comments received from Chesterfield Cycle Campaign (CCC) are as follows, in summary:

- CCC welcomes the additional connection from the south side of Hollis Lane/Hady Hill to the existing station link.

- Clarification is sought on the width of the shared facility path. [This information has now been provided to CCC].
- It is considered that shared facility paths should be used as a last resort. It is suggested that a separate two-way cycle path should be provided to reduce conflict.
- Additional details are sought regarding the 'Dutch style' kerbs proposed.
- Comments provided regarding a preferred approach at the Hady Hill/ Hollis Lane crossroads.
- Little value seen with the provision of advanced stop lines on the A61 slip and Hollis Lane arms of the junction.

Planning Considerations

4.35 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained within CBLP (adopted 2020). Other material considerations include national planning policy as set out in the National Planning Policy Framework (NPPF) (2021) and associated Planning Practice Guidance (PPG).

4.36 Chesterfield Borough Local Plan (2020)

CLP1: Spatial Strategy.

CLP2: Principles for the Location of Development.

CLP6: Economic Growth.

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.

CLP23: Major Transport Infrastructure.

SS1: Chesterfield Town Centre.

SS7: Chesterfield Railway Station.

Neighbourhood Plan

4.37 Neighbourhood Plan has not been progressed for this area which is unparished.

National Planning Policy Framework (2021)

- 4.38 The NPPF sets out the Government's planning policies for England and how these should be applied. The sections of the NPPF that are particularly relevant to this proposal are:

Chapter 2: Achieving sustainable development.

Chapter 6: Building a strong, competitive economy.

Chapter 9: Promoting sustainable transport.

Chapter 12: Achieving well-designed places.

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

Chapter 15: Conserving and enhancing the natural environment.

Chapter 16: Conserving and enhancing the historic environment.

Other documents

- 4.39 Chesterfield Town Centre Masterplan, 2015 (published by CBC)
Chesterfield Growth Strategy 2023 - 2027 (published by CBC)
East Midlands Growth Strategy 2017 (published by the East Midlands HS2 Strategic -Board)

Environmental Impact Assessment

- 4.40 As part of the previously submitted Phase 1 link road application, a formal Environmental Impact Assessment (EIA) screening request was submitted. The Screening Opinion, adopted by the County Council on 20 June 2019, was that the proposal would not constitute 'EIA development'. This revised proposal, although similar to that previously submitted, has been screened under Regulation 8 of the EIA Regulations 2017. It was considered to fall under Paragraph 10(f) Infrastructure Projects – construction of roads and 13(b) 'any change to or extension of development...'. Having taken into account the criteria of Schedule 3 of the Regulations, the proposal is not considered to give rise to significant environmental effects in the context and purpose of EIA. Accordingly, the Screening Opinion adopted by the County Council on 9 November 2022, was that the proposal would not constitute 'EIA development'. The application is therefore not accompanied by an Environmental Statement.

Principle of the Development

- 4.41 The link road has been an aspiration of CBC since the adoption of the 2006 Local Plan. This aspiration was carried forward to the current local plan. The link road (phases 1 and 2 combined) would achieve a means to improving access to Chesterfield Railway Station from the south and east of the town, avoiding a route through the town centre and thereby helping to reduce congestion and improve the environmental conditions along St Mary's Gate in the Spire Neighbourhood Area. The link road

would also help to unlock future development sites located between the railway line and the A61 which form a key part of wider regeneration ambitions of the Council and support the implementation of the town centre Masterplan. The proposal forms part of the A61 Growth Strategy which introduces a package of measures which aim to relieve traffic congestion along the A61, provide sustainable transport routes, reduce commuter journey times, and support housing and employment growth along the A61 corridor through Chesterfield and into North-East Derbyshire.

4.42 The development of the link road would serve a number of key purposes:

- The link road would open up options for redevelopment of future development sites located between the railway line and the A61 which form a key part of Chesterfield's proposals for regeneration of the railway station area (which is reflected in the CBLP strategic policies and associated strategic sites) and would support the implementation for the Town Centre Masterplan.
- The proposals would significantly improve accessibility to the railway station as it would introduce a southern access point to the station car park. Currently, the only access to the train station is from the north of the town centre, via Brewery Street.
- The new link road would create an alternative route for people travelling from the north to the south (and vice versa) of Chesterfield and would therefore reduce the level of traffic that currently travels through the town centre. This would help reduce current traffic levels that pass along St Mary's Gate around the Historic St Mary's Church.
- The link road would relieve pressure on the currently heavily congested A61, which at peak-times experiences heavy traffic flow and long queues.

4.43 The following policies indicate CBC's support in principle for the proposal through either promoting accessibility and connectivity in the locality or specific identification and support for a proposed link road off Hollis Lane.

4.44 Policy CLP1 states that *'the overall approach to growth will be to concentrate new development within walking distance of a range of key services as set out in Policy CLP2, and to focus on areas that need regenerating, including the place shaping areas set out within in policies SS1 to SS7 and Regeneration Priority Areas'*.

4.45 CLP2 states that planning applications will be supported *'according to the extent to which the proposals meet the following requirements which*

are set out in order of priority: a) deliver the councils Spatial Strategy (policy CLP1) b) are on previously developed land that is not of high environmental value, c) deliver a wider regeneration and sustainability benefits to the area, d) maximise opportunities through their location for walking access to a range of key services... e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services...'

- 4.46 The development site is located on brownfield land, within an urban location of low environmental value. It would increase accessibility to the train station and provide sustainable transport options with the provision of the footpath and shared foot and cycleway.
- 4.47 Policies SS1 to SS7 identify the strategic sites and locations referred to within Policy CLP1. Policy SS1: Chesterfield Town Centre, states that *'the council will support planning applications that contribute towards... b) supporting the objectives of Chesterfield Town Centre Masterplan ... d) conserving and enhancing the historic character of the centre and the role of the Historic Market and Market Hall, e) improving accessibility between the centre and surrounding areas, including Chesterfield Railway Station, Waterside, Queen's Park, Chesterfield College and Ravenside Retail Park ... h) reducing through traffic'*.
- 4.48 Policy SS7: Chesterfield Railway Station, states that *'The council will prepare an approved masterplan/development framework to maximise the regeneration benefits of future HS2 services and conventional rail services utilising the station. Within this area, and in accordance with the approved masterplan, the council will support development based on the extent to which it delivers: a) Improved access to the railway station by all modes of transport ... c) A new link road between Hollis Lane and Crow Lane and related road alignments.'*
- 4.49 Policy CLP22 identifies access to Chesterfield Railway Station as a 'Priority Area' for combinations of sustainable transport measures and highways improvements. Policy CLP23 safeguards the route of the proposed Hollis Lane Link Road between Hollis Lane and Crow Lane. The plan identifies that the road would significantly improve accessibility to the railway station from the south and significantly reduce the level of traffic currently travelling through the town centre past the historic St Mary's Church.
- 4.50 The CBLP seeks to regenerate the Chesterfield station area in line with the HS2 Masterplan. The proposed link road is crucial to the realisation of the regeneration of the area. The link road would support the redevelopment of the surrounding area.

4.51 The proposed link road is also identified in the Chesterfield Town Centre Masterplan, 2015 which states, *“The development of a link road between Hollis Lane and the Railway station would provide many benefits to the town centre and a fundamental vehicular access to the train station. An important part of the design will be that the link road integrates with the station forecourt to ensure the pedestrian crossing point is attractive, efficient and safe. The creation of the link road has many benefits including, without limitation:*

- *The link road will open up other development land along its length (railway terrace)*
- *Potential benefits to Markham Road if congestion is reduced as traffic is not backed-up on St. Mary’s Gate*
- *The reduction in traffic on St. Mary’s Gate creates capacity for development of sites within the Spire Neighbourhood*
- *The reduction in traffic on Holywell Street and Saltergate facilitates access to and development of the Northern Quarter*
- *St. Mary’s Gate could be landscaped as a shared surface to maximise the setting of the Church*
- *Environmental benefits including improved air quality and less noise in the town centre from less through traffic and*
- *The environmental benefits of less traffic of St Mary’s Gate would reduce the degradation this is currently having on the church stone masonry.”*

4.52 Some of the potential benefits of the link road, as indicated in the Masterplan, would support the principle of the development. The Chesterfield Growth Strategy and East Midlands HS2 Growth Strategy set out a strategic vision for economic development and includes the aspirational development of Chesterfield Railway Station. The latter identifies infrastructure works to improve access to the station with the aim to take traffic out of the historic core of Chesterfield town centre. The link road as proposed would assist in facilitation of this.

4.53 The proposal is considered to accord with the broad overarching aims of the NPPF in providing infrastructure which would assist in economic, social and environmental objectives and which is considered to constitute sustainable development through provision of an alternative highway route, which would also provide alternative travel options through new cycle and footways, and potential bus route, to the train station which in itself as a sustainable method of transport, which requires appropriate and updated surrounding infrastructure to operate efficiently.

- 4.54 The principle of the development of the proposed link road is clearly supported by the development plan and other material considerations. The phasing approach pursued to bring forward the proposed link road allows the southern portion of the scheme to be considered to realise the development. Further design work to progress the Phase 2 element of the overall link road scheme is planned to be brought forward as an application package at a later date. "Phase 1" now under consideration could operate independently as a route to the station car park.
- 4.55 There are significant economic benefits in providing infrastructure which would contribute towards improving transport links for the Chesterfield Waterside Development area and Chesterfield Railway Station.
- 4.56 It is understood that the eastern leg of the HS2 development Phase 2b has been shelved by the Government as part of its Integrated Rail Plan. Phase 2b stretches between Birmingham and Leeds and encompasses Chesterfield Railway Station. However, there remain aspirations to upgrade the station, and to improve infrastructure links which would bring wider public and economic benefits.
- 4.57 There is significant support in principle for the development of the link road within the adopted development plan policies as identified above. The proposal would be in accordance with the policies identified.
- 4.58 The acceptability of the scheme in the planning balance must be considered further, however, against planning policy and the merits of the application in the following respects:
- Design.
 - Highways and Sustainable Transportation.
 - Heritage.
 - Archaeology.
 - Ground Conditions.
 - Ecology.
 - Drainage and Flood Risk.
 - Climate Change.
 - Amenity (Noise and Air Impacts).

Design

- 4.59 Good design principles are required by Policy CLP20 of the CBLP and at a national level within Chapter 12 of the NPPF: Achieving well-designed places. These policies require development to make a positive contribution to the quality of the built environment, and to respect the character of the locality.

- 4.60 Policy CLP20 states 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'*.
- 4.61 The proposed location for the link road is currently part of an urban environment dominated by the A61 on an embankment to the west and various small industrial/retail outlets to the east. To the south is the existing Hollis Lane/Spa Lane junction and to the north the main car park to the railway station (the phase 1 development boundary). There is very little in the way of existing landscape/townscape value other than a few trees associated with the construction of the A61. As confirmed by the arboricultural assessment submitted with the application, this existing vegetation is of very little amenity value. The opportunity therefore exists to view this proposed link road as a positive addition to this area that could deliver some significant environmental benefit.
- 4.63 The arboricultural assessment indicates that the proposed development would require the removal of one Category C group of buddleia (G46) adjacent to the A61 slip road and the partial removal of a Category C group of willow and sycamore trees (G3) behind the Jewson's building. Category C trees are of limited life and/or limited amenity value.
- 4.64 A landscaping plan has been submitted in support of this application. The scheme would propose a beech hedge, interspersed with 14 trees adjacent to the A61 retaining wall, areas outside of the hedge line would have a low growing species rich native grass and wildflower mix planting. On the opposite side of the proposed link road, areas for planting would include a grass and wildflower mix alongside 8 trees of two differing varieties. The largest planting/landscaping area would be located at the southern extent of the site boundary and would include a low growing native-mix ornamental hedge alongside the proposed cycle route, a grass and wildflower seed mix and 19 trees of 4 differing varieties.
- 4.65 The additional landscaping would help to soften and enhance the area, particularly against the A61 retaining wall. The proposed use of advanced stock sizes is welcomed as the positive impacts gained from the landscaping would provide a good initial impact.
- 4.66 The proposed landscaping and design would respond positively to the character of the surrounding locality, which is currently a poor-quality urban location, and whilst spacing constraints have limited the potential

benefits of the landscaping scheme, I am satisfied that the proposal is in accordance with the NPPF and Policy CLP20 of the CBLP.

Highways and Sustainable Transportation

- 4.67 Planning policy promotes the use of sustainable and alternative methods of transport whilst recognising that improvements to the existing highway network may also be needed.
- 4.68 Policies CLP22 and CLP23 of the CBLP, and Chapter 9 of the NPPF relate to highways development and sustainable transport. Policy CLP22: Influencing the Demand for Travel, states that *'to reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will seek to maximise walking, cycling and the use of public transport'*. It goes on to list priority areas for combinations of sustainable transport measures and highways improvements, one of which is access to Chesterfield Railway Station. Policy CLP23: Major Transport Infrastructure, of the CBLP, states that *'the council will safeguard land for major new transport infrastructure as shown on the policies map including... Hollis Lane Link Road between Hollis Lane and Crow Lane'*. Both policies identify access to Chesterfield Railway Station/or the creation of the link road as an aspiration for sustainable transport measures and highways improvements.
- 4.69 Paragraphs 106 to 109 of the NPPF set out the Government's development planning policies with respect to transport. These paragraphs focus on and emphasise the promotion of sustainable transport.
- 4.70 Paragraph 111 states that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe'*.
- 4.71 The link road would provide improved access to Chesterfield Railway Station car park from the south of Chesterfield and would assist in alleviating traffic pressure on the A61 and Chesterfield's historic town centre. A Transport Statement (TS) and Road Safety Audit have been prepared to support the submission of the current application now under consideration (i.e., for the Phase 1 element of the scheme) and this details the operation of the new road proposed under it. The TS states that the amended HLLR scheme (this application) would not result in changes over and above the scheme permitted in 2019. It has been illustrated that the proposed junction layout would be able to operate safely and within capacity once the extra (re-routed) traffic is accounted

for. The County Council, as Highway Authority, has no objections to the findings of the TS.

- 4.72 The proposed link road would also provide a link for pedestrians and cyclists. The existing cycle/walking route linking Chesterfield Railway Station through to Queen's Park would remain in situ. However, the proposed scheme would add a junction to this existing cycle/foot path so that users can join/exit the path at Hollis Lane. A new cycle path is also proposed adjacent to the proposed link road.
- 4.73 The width of the shared footway and cycle route has been questioned by CCC who states that it is hoped that the shared route is a sufficient width to accommodate cycle and pedestrian use appropriately. It also states that a shared foot and cycle path should be used as a last resort and would prefer to see a separate two-way cycle facility.
- 4.74 It is noted that the path width ranges from an absolute minimum of 2.4m to 3.5m. The Government best practice guidance contained within the Local Transport Note LTN1/20 Cycle Infrastructure Design states that the recommended minimum width for cycle flows of up to 300 cyclists per hour is 3m. The applicant has stated that LTN 1/20 guidance was used as part of the design process along with meeting the needs of other highway users. Due to current corridor constraints, however, the available space has dictated that a shared facility of this width range is the only available option.
- 4.75 The applicant also states that the shared facility has been made a pedestrian/cycle priority route throughout its length. As such, the facility would be a continuous, unobstructed route for pedestrians and cyclists. 'Dutch' style kerbs have been proposed at the turning facility to maintain the elevated priority route. These kerbs are ramped, which would help to manage the safety of vehicular crossing points, as drivers slow down as the change in level is negotiated. They would also keep footways and cycle tracks at a constant level and reinforce the priority of the pedestrian/cyclist. The advanced stop lines make provision for any cyclists that wish to remain on the carriageway and give a safer facility to negotiate the junction, the A61 off slip advanced stop line has been added for continuity and has no negative effect on its operation.
- 4.76 The Phase 1 scheme would provide a multi-user and safe alternative access for the railway station car park area. The intent is clearly that this would be extended under Phase 2 to the railway station terminal area, however, it is considered that the Phase 1 scheme could operate safely in isolation.

- 4.77 The Highway Authority has been consulted and has no objections to the proposal.
- 4.78 With regard to highways issues within the remit of planning control, (highway safety and promotion of sustainable alternative methods of travel), the application is considered to be in general accordance with the planning policies identified above.

Heritage

- 4.79 Chapter 16 of the NPPF and Policy CLP21 of the CBLP relate to the protection of heritage assets and seek to enhance them wherever possible. Paragraph 189 of the NPPF states that ... *“These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance...”*.
- 4.80 Paragraph 195 of the NPPF states that *‘Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and necessary expertise. They should take this into account when considering the impact of a proposal on the heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal’*.
- 4.81 A Heritage Impact Assessment (HIA) has been submitted with the application. The HIA considered the heritage assets within 300m of the development boundary.
- 4.82 There are two Conservation Areas (CA) within 300m of the development boundary, Chesterfield Town Centre CA and Abercrombie Street CA. A small section of the north-eastern element of Chesterfield Town Centre CA, which includes Corporation Street, falls within the northern end of the red line boundary. However, all CAs fall outside of Phase 1 development boundaries. The historic town centre historic core is located immediately west of the red line boundary.
- 4.83 There is one grade II listed building within the site boundary, listed as an Engineers Office located on Corporation Street at the entrance to the railway station. There are no listed buildings, however, in the immediate locality or setting of phase one of the development.
- 4.84 A total of 36 listed buildings were identified within 300m of the red line boundary. The majority of these buildings are Grade II and represent building types common in an urban environment and include residential and retail/commercial properties as well as a former school, gate piers

and a gate to the cemeteries and churchyard and a war memorial. The listed buildings also include one Grade I listed building and four Grade II* listed buildings. The former is the Church of St Mary's (with its iconic crooked spire), whilst the latter include a Unitarian Chapel and three houses.

- 4.85 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the determination of this application, '*special regard*' is given to '*the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.*'
- 4.86 Any harm identified as a result of the Phase 2 development upon listed buildings would be assessed under consideration of a separate application for that element of the development. It is considered that none of the listed buildings identified, including the grade II Engineers Office, would be within the setting of the Phase 1 development proposed.
- 4.87 Whilst having special regard to listed buildings in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, for the development under consideration for this application, I am satisfied that there is no material harmful effect on any listed building or its setting and that the proposed development is likely to have a neutral to negligible impact on any designated and non-designated heritage assets, given the considerable distance of the development to the heritage assets. The development site also lies approximately 100ft below the town centre level and is well screened by the large adjacent concrete retaining wall, which limits the potential for visual connections to be made.
- 4.88 Paragraph 197 of the NPPF states that when '*determining planning applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.*'
- 4.89 As the NPPF indicates, in considering a development proposal, what has to be assessed with regard to the setting is the effect any change to the setting from the development would have on the heritage significance of the asset concerned. Paragraph 199 states '*when considering the impact of a proposed development on the significance*

of a designated heritage asset, great weight should be given to the to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

- 4.90 Paragraph 202 states that '*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighted against the public benefits of the proposed including, where appropriate, securing its [the assets] optimum viable use.*'
- 4.91 These NPPF paragraphs therefore recognise that to reach a decision to grant permission in the case of 'less than substantial' harm need not involve so much public benefit to weigh against the harm as would be needed in the case of 'substantial' harm.
- 4.92 The two CAs identified are positioned to the west of the A61 and are raised from the Phase 1 development area, in the historic core of the town centre. It is not considered that the Phase 1 element of the scheme would result in 'substantial harm' upon the settings of the listed buildings within these CAs.
- 4.93 The HIA concludes that neither the listed buildings, nor the CAs would be significantly affected by the proposal.
- 4.94 It is my opinion that the impact of the proposed scheme on the setting of the listed buildings and CAs identified in the HIA would be negligible.
- 4.95 Any potential harm that would be caused to heritage assets including listed buildings (for the purposes of Section 66) is considered to be 'less than substantial' to the settings of the heritage assets. In mitigation against harm, alongside the considerable distance and topographical change additional landscaping is proposed along the route corridor.
- 4.96 Whilst special consideration must be given to any impacts on the heritage assets which would be associated with this development, the potential for harm to heritage assets is, in this case, very limited. The public benefits from the development, as addressed elsewhere in this report, provide considerable weight in favour of the application, so as to justify a positive recommendation for the application. I consider that with regard to consideration of impact upon heritage assets, the proposal is in accordance with the NPPF and Policy CLP21 of CBLP.

Archaeology

- 4.97 Paragraph 205 of the NPPF states that *'local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'*
- 4.98 Policy CLP21 of the CBLP, relates to the protection of the historic environment including archaeology.
- 4.99 The site area is in close proximity to Chesterfield's Town Centre Historic Core comprising the areas of known medieval and Roman activity within the town. The red line boundary for the proposals falls within the eastern edge of Derbyshire (HER MDR5358), relating to the known Roman activity. Excavations in the Spa Lane/Station Road area in the 1970s and 1980s identified Roman activity only marginally western of the current proposal site, with features appearing to continue east of the investigated area. Although it is likely that both medieval and Roman activity tails off eastward as the land slopes towards the Rother floodplain (17th Century mapping shows back plots in this area), it is still likely that Roman and medieval activity left evidence in this area.
- 4.100 A major consideration is the impact of 19th and 20th Century activity, including a large-scale tannery development (though this itself may have some industrial archaeological significance), railways sidings, and the development of the A61 bypass in cutting, which will have involved some total impacts. It was concluded in 2019, in consideration of desk-based information, that there are parts of the development area where Roman and/or medieval land surfaces, sequences and archaeology could survive below ground. This is likely, however, to be in limited areas with zones of greater disturbance between.
- 4.101 The assessment does suggest that standing and buried remains of the former tannery that occupied the site may be present and therefore, as a mitigation measure, should demolition occur in all or part of the builder's merchants, the buildings should be subject to a Level 1 Building Record (as defined in Historic England 2016), to determine whether any standing remains of the former tannery site are present.
- 4.102 In consultation with the County Archaeologist, it is apparent that a condition requiring a written scheme of investigation for archaeological work and built heritage recording prior to the commencement of development, is necessary to secure recording of any remains. This is

due to the archaeological potential of the site, which justifies some further archaeological investigation to satisfy the requirements of NPPF Paragraph 205. Practicality and proportionality dictate that the work is carried out post-consent, secured by planning conditions, rather than through pre-determination evaluation.

4.103 I am satisfied that the application in regard to archaeology is in accordance with the policies identified, subject to the recommended condition.

Ground Conditions

4.104 Policy CLP14 of the CBLP: A Healthy Environment, relates to proposals for development on land that is, or is suspected of being, contaminated or unstable. It states that development would only be permitted if *'mitigation and/or remediation are feasible to make the land fit for the proposed use and shall include, a) a phase I land contamination report, including where necessary a land stability risk assessment with the planning application, b) a phase II land contamination report where the phase I report indicates it is necessary and c) a strategy for any necessary mitigation and/or remediation and final validation'*.

4.105 The development site falls within a defined Development High Risk Area. The Coal Authority has confirmed that the site is in an area of likely historic unrecorded coal mine workings at shallow depth. A small area of the site is also recorded as being within the boundary of a site which coal has been removed via surface mining methods. These features may pose a potential risk to surface stability and public safety.

4.106 The application has been supported by a Coal Mining Risk Assessment (CMRA) and a Ground Investigation Report (GIR).

4.107 The CMRA concludes that there is a potential risk posed to the development by past coal mining activity and recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues. The application is also supported by a GIR which sets out details of the investigations carried out. The site investigations recommended by the CMRA have been carried out.

4.108 The Coal Authority, as a statutory consultee, responded requiring additional commentary regarding the risks posed by shallow mine working and historic open cast coal mining. A memo containing a more detailed commentary on the information reviewed and the findings of the investigations carried out has been provided by the applicant. It concludes that, based on the available information, historic open cast

coal mining at and near the proposed scheme presents a very low risk. Likewise, it is concluded that risks from shallow mine working and mine shafts are also very low.

- 4.109 Upon re-consultation, the Coal Authority has no objections to the proposals. It would, however, expect the recommendations set out within the supporting documents to be implemented.
- 4.110 The Environmental Health Officer had no adverse comments to make with regard to the GIR which did not identify any high risk of ground contamination.
- 4.111 Subject to the compliance of recommendations set out within the supporting documents submitted, I am satisfied that the proposals are in accordance with the policies identified above.

Ecology

- 4.112 Policy CLP16 of the CBLP and Chapter 15 of the NPPF, are the appropriate policies which seek to conserve and enhance biodiversity and the natural environment.
- 4.113 Policy CLP16 states that *'the council will expect development proposals to a) protect, enhance and contribute to the management of the borough's ecological network of habitats, protected and priority species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a local wildlife site or priority habitat, b) avoid or minimise adverse impacts on biodiversity and geodiversity, and c) provide a measurable gain in biodiversity'*.
- 4.114 The application site is not within any sensitive area of ecological designation, such as a Site of Nature Conservation Importance (SNCI), a Site of Special Scientific Interest (SSSI), a Special Protection Area (SPA) or a Special Area of Conservation (SAC).
- 4.115 A preliminary ecological assessment (PEA), Construction Environmental Management Plan (CEMP), memo Ecology Update (dated December 2021) Bat Survey Report, Biodiversity Net Gain Assessment, Invasive Non-native Species and Biosecurity Management Plan, an Arboricultural Assessment and an updated Ecological Desk Study (dated March 2023) were submitted in support of this application to identify whether there are any known or potential ecological receptors that may constrain or influence the design and implementation of the proposed development.

- 4.116 Given the highly urbanised nature of the locality, the PEA confirmed that the habitats present within the site are of low ecological importance with no notable habitats recorded. The site is largely comprised of hardstanding with some amenity grass and introduced shrub, and two small woodland blocks planted approximately 30 years ago. Some suitable potential habitat for notable fauna was recorded, including roosting bats, hedgehog and nesting birds. The majority of which can be managed through the use of the CEMP. On recommendations of the PEA, further bat roost surveys were undertaken at two buildings, a Network Rail shed and two-storey building in Jewson's Builders Yard (most recently between August and September 2022).
- 4.117 No bats were observed emerging or re-entering either building and consequently, it is concluded that bat roosts are absent from these buildings. No further recommendations were therefore made.
- 4.118 No Category A or B trees require removal to facilitate the proposed works and the losses of poorer quality trees and shrubs can be mitigated for through planting.
- 4.119 One notable species, the invasive non-native plant species Japanese Knotweed, has been confirmed to be present within 50m of the site boundary alongside the River Rother north of the site. Both Japanese Knotweed and Himalayan Balsam, also known to be present along the banks of the River Rother in the wider area, are both listed in both Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) and the Invasive Alien Species (Enforcement and Permitting) Order 2019. The legislation makes it an offence to plant, or otherwise cause to grow these listed plant species in the wild. Recommendations for its management are contained within the CEMP and Invasive Non-native Species and Biosecurity Management Plan.
- 4.120 A Biodiversity Net Gain (BNG) assessment has been provided in support of the application. The BNG assessment has been undertaken to quantify the overall effect of the proposed development upon the site's biodiversity value. The proposed development has a baseline of 1.21 habitat units, the gain is anticipated to result in 3.22 habitat units with the trading rules being met and therefore BNG, as a result of the proposals, is substantially above the aim of a 10% improvement in biodiversity capital.
- 4.121 Derbyshire Wildlife Trust provided comments on the application. It advised that the potential bat roosting features present within the two-storey warehouse building located within Jewson's Builders Yard (gaps noted under the asbestos sheet roof at the north and south facing eaves

and the gable ends) are checked by an Ecologist prior to demolition as a precautionary measure. It is noted that additional bat surveys (summer 2022) have been undertaken, and the CEMP has been updated to include this action. Should bats be identified during the works, it is the responsibility of the developer to provide appropriate mitigation.

4.122 Natural England made no comments on the application and provided its note of standing advice in the consultation response.

4.123 The proposal is considered to be in accordance with the policies set out above with regard to the protection of the natural environment. Subject to the implementation of conditions suggested by Derbyshire Wildlife Trust. The Trust ask for the CEMP to be updated in accordance with its comments, in the interest of bat preservation.

Drainage and Flood Risk

4.124 Chapter 14 of the NPPF and Policy CLP13 of the CBLP are the appropriate policies concerned with effective drainage, flood risk management and the maintenance of water quality.

4.125 Policy CLP13 of the CBLP: Managing the Water Cycle, states that *'the council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that the developments are made safe for their lifetime without increasing flood risk elsewhere'*.

4.126 The majority of the wider site lies within flood zone 1. However, elements of the site lie within both flood zones 2 and 3. This area is located within the south-eastern extent of the development site and encompasses the Hollis Lane/Spa Lane junction spreading past the railway bridge to the east. It also includes the Bridge Inn and four terraced properties which front onto Hollis Lane, and spreads northwards including a business premises and car park. A site-specific Flood Risk Assessment (FRA), outline drainage strategy and a detailed drainage technical design note have been produced to determine flood risk and to inform the drainage strategy.

4.127 The FRA considers that the overall fluvial flood risk to the site and the impact from the proposed development is low. The risk of flooding from groundwater, surface water, sewer flooding and artificial sources is also considered as low. An outline drainage strategy has been developed and modelled which demonstrates that there is insufficient space for infiltration measures or above ground storage. However, it is possible to safely and sustainably manage surface water from the site through on-

line attenuation using oversized pipes which are likely to be constructed within the link road construction.

4.128 The LLFA raises no concerns with the findings of the FRA outline drainage strategy. The LLFA recommends conditions for the provision of a detailed design and associated management and maintenance plan of the surface water drainage of the site; an assessment to demonstrate that the proposed destination for surface water accords with the drainage hierarchy; details indicating how additional surface water run-off will be avoided during the construction phase and verification that the drainage system has been constructed as per the agreed scheme. These details have been provided within the documents submitted to support this application, compliance conditions have been suggested to ensure compliance and minimise flood risk.

4.129 Subject to these conditions, I am satisfied that the proposal is in accordance with the policies identified relating to drainage and flood risk.

Climate Change

4.130 Chapter 14 of the NPPF relates in part to the challenge of climate change. Policy CLP20 of the CBLP has a section regarding climate change and states that all new development should '*... n) be able to withstand any long-term impacts of climate change*'.

4.131 Paragraph 154 of the NPPF states that '*new development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure and b) can help to reduce greenhouse gas emissions, as such through its location, orientation and design*'.

4.132 A Climate Impact Assessment (CIA) has been produced to support the application. The report assesses the potential impacts of the proposed development on climate and future climate change, during both construction and operation. The impact of the proposed development on the climate considers the greenhouse gas (GHG) emissions arising from the development during its lifetime. Consideration is also given to the vulnerability of the proposed development to climate change, which considers the resilience of the development to climate change impacts, including how the development is designed to reduce its vulnerability to the projected impacts.

4.133 The report draws the conclusion that the contribution of GHG emissions resulting from the proposed development would be 0.00002% of the current and future national carbon budgets and 0.227% of the current local carbon budgets. It is not considered that the CO₂ emissions resulting from the proposed development would have a material impact on the Government's or Derbyshire County Council's ability to comply with carbon budgets or meet carbon reduction targets. The longer term aspiration is to ease congestion from Chesterfield town centre, to provide a second access to the railway station, and to improve traffic flow within the centre of Chesterfield.

4.134 Adaptation measures have also been incorporated into the drainage design scheme to allow for a 30% increase in peak rainfall intensity.

4.135 I am therefore satisfied that, with regard to consideration of climate change impacts, the proposal is in accordance with the NPPF and local planning policies identified above.

Amenity (Noise and Air Impacts)

4.136 Policy CLP14 of the CBLP: A Healthy Environment, and Chapter 15 of the NPPF are the appropriate policies concerning environmental quality.

4.137 Paragraph 186 of the NPPF states that planning decisions '*should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones*'. It goes on to state that '*opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement*'.

4.138 Policy CLP14 of the CBLP states, '*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, sunlight and glare) and other environmental impacts*' with specific regard to air quality it states, '*where appropriate, development proposals will include an assessment of impact on air quality and incorporate measures to avoid or mitigate increases in air pollution and minimise the exposure of people to poor air quality*'.

4.139 There are no Air Quality Management Areas within the site boundary for this application.

4.140 An Air Quality Assessment (AQA) has been prepared to inform the planning submission. The AQA considered three scenarios: the current

baseline, which represents conditions for the current road layout and traffic outputs for the year 2019, secondly, the future baseline (do minimum) which represents conditions for the current road layout and traffic model outputs for the year 2022 and the future with development (do something) which represents conditions for the current road layout and traffic model outputs for the year of 2022.

- 4.141 The AQA concludes that the predicted effect on local air quality, as a result of the proposed development during the construction phase, is not considered to be significant with good practice mitigation measures in place to minimise the generation of emission of particulate matter (dust) at source. No additional site-specific measures are considered appropriate. With the proposed scheme in operation, the predicted change in air pollutant concentrations at sensitive receptor locations are small or imperceptible relative to baseline conditions. The small increase in pollutant concentrations is mainly due to increased traffic accessing Spa Lane. The significance assessment of these changes has led to a conclusion that they are not significant.
- 4.142 Given that the scheme is not likely to affect any Clean Air Zones or Air Quality Management Areas and is designed to reduce traffic congestion, the proposal is considered to be in accordance with the NPPF and Policy CLP14 identified above.
- 4.143 With regard to potential noise impacts, the proposal would affect few residents relative to the scale of the project, given that the site is relatively distant from significant concentrations of residential properties. At the south end of the site there are a small number of dwellings fronting onto Hollis Lane, on this basis, it is deemed appropriate to apply a condition to restrict the hours of construction operations to between 8:00am to 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holidays.
- 4.144 Noise levels are unlikely to increase significantly to residential receptors as a result of the development given the proximity to the A61 and current noise levels generated from this route.
- 4.145 The Environmental Health Officer has stated it has no adverse comments to make regarding the development proposals. As such, it is considered that the proposal would be in accordance with the local planning policies identified above and the NPPF.

Other Issues

- 4.146 Comments received from one local business owner, as summarised above, raised concerns regarding the operation of their business and

rights over the associated driveway, gate and fence. The initial plan as submitted, proposed the relocation of the business access gate. Further to discussions between the applicant and business operator, a revised plan has been submitted. It has been agreed that the gate would now remain in the existing position, the existing fencing would also remain in its existing position, although the fence panels would be replaced to improve visibility. It is noted, however, there remains concerns from the business that the footpath/cycle way is still proposed to cross the frontage of their property adjacent to the entrance of the business premises. However, no concerns have been raised by the HA in this regard.

Conclusions

- 4.147 The proposed scheme would bring significant economic and public benefit through its provision of sustainable infrastructure links towards the Chesterfield Waterside Development area and railway station, creating improved access to the railway station and future development sites. The proposal would provide a secondary route towards the railway station and would help to alleviate traffic congestion around St Mary's Gate, Chesterfield town centre and the northern access point to Chesterfield Railway Station.
- 4.148 Disturbance to businesses and residents would, in the main, be during the construction phase of the development and could be mitigated through the imposition of planning conditions. I consider that any heritage, highways, ecological, drainage, archaeological, amenity or other impacts in their assessment are of limited weight in the 'planning balance' and, where necessary, could be mitigated by way of condition and would not outweigh the public benefits of the proposal. The proposal is considered to be acceptable, being in line with development plan policies identified, the NPPF and other policy documents identified, which are material considerations.
- 4.149 The application is therefore recommended for approval subject to the conditions listed below (or conditions to substantially similar effect).

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers File No. 2.733.5

- 6.1 All application documents from the director of property. All consultation correspondence received with regard to the application.

7. Appendices

7.1 Appendix 1 - Implications.

7.2 Appendix 2 - Site Location Plan.

8. Recommendation

That the Committee resolves that planning permission is **granted** subject to conditions substantially similar to the following draft conditions:

Form of Development

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

Reason: The condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990.

- 2) Notice of the proposed date of commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

Reason: To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

- 3) The development shall take place in accordance with the details set out in the application for planning permission registered as valid on 15 September 2022, and the documentation accompanying it, unless otherwise modified or amended by the conditions of this planning permission. For the avoidance of doubt, the accompanying documentation comprises:

- Drawing no. 60648098-ACM-PLN-GEN-GEN-ZZ-Z-DR-CH-0006 Rev P03 entitled 'Hollis Lane Link Road Section 1 Location Plan'.
- Drawing no. 60648098-ACM-PLN-GEN-GEN-ZZ-Z-DR-CH-0002 Rev P03 entitled 'Long Section'.
- Drawing no. 60648098-ACM-PLN-GEN-GEN-ZZ-Z-DR-CH-0003 Rev P02 entitled 'Cross Sections Sheet 1 of 2'.
- Drawing no. ACM-PLN-GEN-GEN-ZZ-Z-DR-CH-0004 Rev P02 entitled 'Cross Sections Sheet 2 of 2'.
- Drawing no. 60648098-ACM-PLN-GEN-GEN-ZZ-Z-DR-CH-0005 Rev P02 entitled 'Typical Cross Sections'.
- Drawing no. 60648098-ACM-PLN-GEN-GEN-ZZ-Z-DR-CH-0007 Rev P01 entitled 'Vehicle Tracking Sheet 1 of 2'.

- Drawing no. 60648098-ACM-PLN-GEN-GEN-ZZ-Z-DR-CH-0008 Rev P01 entitled 'Vehicle Tracking Sheet 2 of 2'.
- Drawing no. 60648098-ACM-HGN-GEN-GEN-ZZ-Z- DR- EO-1301 Rev D3 entitled 'Proposed Lighting Layout Sheet 1 of 2'.
- Drawing no. 60648098-ACM-HGN-GEN-GEN-ZZ-Z- DR- EO-1302 Rev D3 entitled 'Proposed Lighting Layout Sheet 2 of 2'.
- Drawing no. 60648098-ACM-HGN-GEN-GEN-ZZ-Z-DR-CH-3001 D5 23 04 Rev D5 entitled 'Landscape General Arrangement'.
- Drawing no. 60648098-ACM-PLN-GEN-GEN-ZZ-Z-DR-CH-0001 P04 Rev P04 entitled 'Hollis Lane Link Road Section 1 General Arrangement'.
- Document entitled Planning Application Supporting Statement dated August 2022.
- Document entitled Ground Investigation Report - Phase 1 Site dated October 2020.
- Document entitled Coal Mining Risk Assessment dated May 2019.
- Document entitled Memo Hollis Lane Link: Commentary on Potential Risks Associated with Legacy Coal Mining dated 26 April 2023.
- Document entitled Revised Heritage Assessment dated 15 March 2022.
- Document entitled Climate Impact Assessment dated May 2022.
- Document entitled Air Quality Assessment dated January 2022.
- Document entitled Flood Risk Assessment and Outline Drainage Strategy Report dated 10 July 2019.
- Document entitled Drainage Design Technical Note dated June 2021.
- Correspondence from AECOM providing additional information for the LLFA dated 18 April 2023.
- Document entitled Transport Statement dated November 2021.
- Document entitled Hollis Lane Link Road - Section 1 Road Safety Audit Stage 2 dated 30 July 2021.
- Document entitled Preliminary Ecological Assessment dated June 2019.
- Document entitled Construction Environmental Management Plan dated March 2022, reference 60648098-ACM-ENV-GEN-GEN-ZZ-Z-RP-LE-0001.
- Document entitled Ecology Update Memo dated 16 December 2021.
- Document entitled Bat Survey Report (Revision 3) dated 18 April 2023.
- Document entitled Arboricultural Impact Assessment Report dated July 2019.
- Document entitled Invasive and Non-native Species Assessment and Biosecurity Management Plan dated 15 March 2023.

- Document entitled Biodiversity Net Gain Assessment dated 28 April 2023 and associated Appendix I Hollis Lane Link Road Biodiversity Metric 3.1.
- Document entitled Hollis Lane Link Road Update Desk Study Report dated 15 March 2023.

Landscaping

- 4) Any tree or plant, provided through implementation of the landscaping scheme hereby approved, or any replacement of such tree or plant, that is removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

Reason: To minimise the visual impact of the development.

- 5) All trees and hedgerows to be retained shall have root protection barriers afforded during construction works in accordance with British Standard BS5837 Trees in relation to design, demolition and construction.

Reason: In the interests of retaining landscape characteristics which contribute to the biodiversity and visual amenity of the area.

Ecology

- 6) No removal of hedgerows, trees shrubs or other vegetation shall take place between 1 March and 31 August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the County Planning Authority and then implemented as approved.

Reason: In the interest of preservation of nesting bird habitat.

Drainage

- 7) The development must be constructed in accordance with the principles outlined within:
- a) AECOM, Detailed Drainage Design –Drainage General Arrangement (sheets 1 & 2 of 2), ref: 60648098-ACM-HGN-GEN-GEN-ZZ-Z-DR-CD-0502 & 0503, rev-P01 (17/06/2021) including any subsequent amendments or updates as approved in writing by the County Planning Authority;
 - b) AECOM, Detailed Drainage Design Technical Note, ref: 60648098-ACM-HGN-GEN-GEN-ZZ-Z-TN-CD-0501 including any subsequent

- amendments or updates as approved in writing by the County Planning Authority; and
- c) DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015)

The approved details and management and maintenance plan shall be fully implemented as approved.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal.

- 8) The development must be constructed in accordance with the detailed assessment of the proposed destination for surface water as detailed within Section 4 of the Detailed Design Technical Note, ref: 60648098-ACM-HGN-GEN-GEN-ZZ-Z-TN-CD-0501.

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options.

- 9) No development shall take place until details indicating how additional surface water run-off from the site will be avoided during the construction phase have been submitted for approval to the County Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the County Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason: Condition is required pre-commencement in the interests of flood prevention. To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

Archaeology

- 10) a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved in writing by the County Planning Authority, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the County Planning Authority. The scheme shall include an assessment of significance and research questions; and i) The programme and methodology of site investigation and recording.

- ii) The programme for post investigation assessment.
- iii) Provision to be made for analysis of the site investigation and recording.
- iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- v) Provision to be made for archive deposition of the analysis and records of the site investigation.
- vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under Condition (A).

c) The development shall not be occupied until the site investigation and post investigation assessment have been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under Condition (1) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In the interests of recording any archaeological features of the site. The condition is required pre-commencement of development in order that appropriate mitigation/recording of archaeological features can be undertaken before works start on site.

Noise

- 11) Unless previously agreed in writing with the County Planning Authority, all 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 Sunday or Public Holiday. The term 'construction work' also applies to the operation of plant, machinery and equipment.

Reason: To protect the amenities of nearby residents/other occupiers.

Contamination

- 12) If, during the construction works, any contamination is identified that has not been considered in the Ground Investigation Report, additional remediation proposals for mitigation shall be submitted to the County Planning Authority for written approval. Any remediation and mitigation shall then be undertaken in accordance with the details as agreed in writing with the County Planning Authority.

Reason: To ensure appropriate remediation if contamination is identified.

Other

- 13) Prior to commencement of the development, the applicant shall submit for approval to the County Planning Authority details of the proposed barrier control facility structure. This shall include:

- i) Site plan.
- ii) Elevation plans.
- iii) Details of the structure and its operation.

The development shall then be carried out in accordance with the details agreed in writing by the County Planning Authority.

Reason: Condition is required pre-commencement to ensure the County Planning Authority has relevant details of the structure and its operation prior to the commencement of development.

Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

- 1) The Council, as County Planning Authority (the “Authority”), worked with the Council as applicant (the “applicant”) in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant has engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.
- 2) In accordance with the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 (‘the Regulations’), the applicant was provided with a draft schedule of conditions attached which included pre commencement conditions, requiring the submission of detailed schemes. The applicant provided a substantive response to the effect that it agreed with the imposition of those pre-commencement conditions.

Chris Henning
Executive Director – Place

Implications

Financial

1.1 The correct application fee of £2,028 has been received.

Legal

2.1 This is an application submitted under the Town and Country Planning Act General Regulations 1992 for development which the County Council itself proposes to carry out.

2.2 I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to conditions referred to in the Recommendation.

Human Resources

3.1 None.

Information Technology

4.1 None.

Equalities Impact

5.1 Not applicable.

Corporate objectives and priorities for change

6.1 None.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 **Environmental Health Considerations**
As detailed in the body of this report.