

Case Officer: Chris Wright File No: CHE/17/00540/FUL
Tel. No: 01246 345787 Plot No: 2/314
Committee Meeting: 11th December 2017

ITEM 4

Extension at ground floor for new consulting rooms and pharmacy, new offices at first floor at Newbold Surgery, 3 Windermere Road, Newbold, Chesterfield

Local Plan: Unallocated
Ward: Dunston

1.0 CONSULTATIONS

Ward Members:	No comments received.
Strategic Planning:	No objection
Highways:	No objection
Design Services:	No objection
Yorkshire Water Services:	No comments
Derbyshire Constabulary:	No objection
Public Comments:	4 objections and 2 support comments received

2.0 THE SITE

2.1 This application relates to a detached two storey building which is a Doctors Surgery. It is on the edge of a local centre and has a library to the west and a Co-op local convenience store to the east, on the southern corner with Windermere Road and Littlemoor. Further to the east there is a local centre with a range of retail

outlets and car parking facilities. To the north and south there are residential dwellings.

- 2.2 The building has previously had several extensions and currently has 29 parking spaces (as stated in the applicants correspondence). There is a separate single storey building on site which is being utilised as a pharmacy and the parking spaces in front of this building are also under the ownership of the pharmacy, but the customers are required to travel over the car park to reach these spaces.
- 2.3 The pharmacy on site is owned by a separate group to the surgery.

3.0 SITE HISTORY

- 3.1 CHE/0685/0398 – Permission for new Doctors Surgery – Conditional Permission – 23/08/85

CHE/1294/0719 - Alterations and extension to premises to provide additional first floor office accommodation – Conditional Permission – 15/03/95

CHE/0695/0292 – First floor extension to existing Surgery – Conditional Permission – 20/07/95

CHE/0503/0330 - Single storey extension to form one consulting room and enlarge office – Conditional Permission – 06/06/03

CHE/09/00620/FUL – First Floor Extension – Conditional Permission – 14/12/09

4.0 PROPOSAL

- 4.1 The original scheme proposed a front and side extension in a scheme that produced 7 additional consulting rooms and led to the loss of parking spaces on site. It was going to project between 6.5m and 7.5 forwards of the existing eastern part of the front elevation and between 5m and 5.5m from the side elevation.

- 4.2 The application has been revised to lessen the scale of the development and to ensure that no parking spaces were lost and further consultations have been carried out.
- 4.3 Planning approval is now sought for a single storey side and front extension and 1st floor rear extension. This would lead to an increase in 4.no consulting rooms, a relocated pharmacy and offices and this proposal would result in parking spaces for 26. This scheme has a comparable side projection of 5-6m but a much reduced front projection 2-3m to be in-line with the western section of the front elevation. This would lead to a gap between the proposed building and existing pharmacy of approximately 1.2m.
- 4.4 The rear 1st floor extension would be an in-fill plot on the rear north-west corner with a 6m projection and 7.2m width.
- 4.5 The side extension would have a flat roof section and a small pitch on the side, just like the existing building. It is proposed to match the existing design and materials of the existing building, with brick, tiles and windows to match.

Photo 1 – space where extension will go and adjacent pharmacy



5.0 **OFFICER ASSESSMENT**

5.1 **Policy**

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the saved policies of the Replacement Chesterfield Local Plan adopted June 2006 (RCLP) and the adopted Chesterfield Borough Local Plan: Core Strategy (2011-2031).

5.1.2 **Chesterfield Local Plan: Core Strategy 2011 -2031 ('Core Strategy')**

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS6 Sustainable Design and Construction
- CS17 Social Infrastructure
- CS18 Design
- CS20 Influencing Demand for Travel

5.1.3 **Other Relevant Policy and Documents**

The Sections of the National Planning Policy Framework (NPPF) considered relevant to the decision are:

- Chapter 7: Requiring good design

Other relevant documents include:

- SPD 'Sustainable Design' (adopted Oct 2008)
- SPD 'Successful Places' (adopted July 2013)
- BRE Report 209: Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2nd Edition 2011)

- Planning Practice Guidance

5.2 Key Issues

- Principle of Development
- Design and Visual Amenity
- Residential Amenity
- Highways Safety and Parking Provision

5.3 Principle of Development

5.3.1 The proposal for the extension to the existing surgery is considered acceptable in principle as it is located within the urban area and is part of the existing surgery. CS17 encourages the provision of health facilities providing they meet the other requirements of the plan and it is not considered that the extension to the surgery located on the edge of the Littlemoor local centre will harm the retail function of the local centre. The surgery is sustainably located.

5.3.2 The proposed development is considered acceptable in principle against policies CS1, CS2, CS3, CS17 and CS18 of the Core Strategy and the wider objectives of the NPPF.

5.4 Design and Visual Amenity

5.4.1 In accordance with Core Strategy Policy CS18 all new development should identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context. In doing so developments are expected to respect the character, form and setting of the site and surrounding area; having regard to its function, appearance, scale and massing.

5.4.2 The building has had numerous extensions and changes to it from the original building, with two storey and single storey elements. As the plot is reasonably wide, development is possible without having

a significant impact upon the streetscene or leading to the perception of overdevelopment. The proposed side extensions will take up some of the greenspace to the eastern side of the building and will lead to the majority of the gap in-between the existing surgery and pharmacy being taken up by the new consulting rooms and pharmacy.

- 5.4.3 This site is within a residential suburban area where the buildings are spaced out. Further extensions to the buildings on the site is not considered to be a negative as the proposed gap between the two buildings will be hard to see from the majority of positions, especially as this steps out towards the rear. There would however be a perception of a continued mass of building, as the existing gap and greenery would be reduced. It is considered that the impact on the street scene is neutral and not sufficiently harmful to be recommended for refusal.
- 5.4.4 The proposal to introduce a new pharmacy into the scheme could result in one of the pharmacy's becoming vacant or lead to 2 competing pharmacies on site however such competition is not a material planning consideration. The owners of the existing adjacent pharmacy have stated within their objection comments that they would appreciate some dialogue with the surgery owners/managers.
- 5.4.5 In terms of design the proposal is designed to be in-keeping with the style and materials of the existing building; this is acceptable in these terms. Architecturally, the scheme has been designed to reflect the scale, design and appearance of the existing building,
- 5.4.6 Having considered the proposal in context of the site and the surrounding area it is considered that the development would not significantly detract from the character and appearance of the application site or wider locality. This application is therefore considered to accord with the design objectives of policy CS18 of the Chesterfield Borough Local Plan: Core Strategy.

5.5 Residential Amenity

- 5.5.1 Core Strategy Policy CS18 comments 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.
- 5.5.2 Due to the layout of the site in comparison to surrounding dwellings it is not considered that the proposal will significantly impact upon the residential amenity of the surrounding dwellings in terms of overshadowing and overlooking. No objections have been received in terms of these issues from residential dwellings.
- 5.5.3 The owners of the adjacent pharmacy have commented that the proposal will overshadow a window in the western side elevation, however it is considered that the amended plans have a reduced impact upon the pharmacy as the rear positioned westerly window is not impacted as much by the proposal.
- 5.5.4 It is considered that the proposal is acceptable in terms of residential amenity.

6.0 Highways

- 6.1 The scheme will lead to the Surgery being capable of accepting a higher number of patients in the future, as 4 new consulting rooms and a diversification of the services offered by the unit will impact upon how many patients could attend the site. The changes to how Doctors Surgeries are going to be considered by the NHS will affect how frequently staff may come and go from the site as well as the type of appointments available on site including ones which may have previously been attended at The Royal Hospital. There are also a number of residential schemes in the vicinity which will generate new patients (Wm Davis, Strata Homes)

- 6.2 The number of parking spaces on site is said by the applicant to be 29 however there are not 29 marked out space on site. There are currently marked out spaces for 23 on the site. The proposed scheme provides 26 marked out spaces. The applicant also refers to the opportunity for visitors to the site to park on-street in the area and at other parking areas within other community facilities (potentially whilst visiting more than one location in the area) such as the library, the local convenience store or Local Centre car park (all within a 5 minute walk). Several objections received have stated that the current on-street parking situation in the area is unacceptable and that staff and patients appear to park on Windermere Road and Ulverston Road. It has also been stated that some users appear to utilise parking spaces in front of the Library. The Highways Authority has stated that Traffic Regulation Orders are in place in the area to restrict parking. Parking on footpaths and high numbers of on-street parking spaces in front of the Surgery has already led to comments being received regarding highway safety. During busy times this can also spread up Ulverston Road resulting in blocking of driveways however this is an existing situation and the unsafe/inconsiderate parking by members of the public is not a planning issue. There is a potential for the situation to become worse as the surgery site becomes busier.
- 6.3 The proposal is likely to lead to an increase in users and staff numbers, but as it is sited within a residential area and close to a local centre it is expected that some visitors will either use public transport, walk or cycle to the site or visit multiple locations in area and park off-site. The applicant recognises this as a main issue and has submitted a Green Travel Plan which promotes alternative measures to access the site than the use of motor vehicles for both staff and patients. A condition will be needed to require the travel plan to be reviewed regularly and to be promoted to achieve the desired reductions. No objection has been offered by the highways authority with a comment that they are not aware of any existing highway safety issues which would justify a reason for refusal that could be sustained at appeal.

6.4 It is considered that the proposal will be offering an important service to the community. The previous expansions of the building have led to a stage where the proposed site is at the limit of being overdeveloped where it cannot cope with existing demand. It is likely that further development of the site will require consideration of a larger site. On balance it is considered that this scheme can be accepted.

7.0 **REPRESENTATIONS**

7.1 4 objections received:
2 from local residents (1 South View and 67 Ulverston Road) both raising objections regarding existing parking and highways issues, 1 from the joint owners of the pharmacy building and 1 on behalf of an agent acting for the business interests in the existing pharmacy on site. They have objected on the grounds of the impact upon the pharmacy, and the relationship that the new extension would have with the pharmacy with the view that they also believe that the proposal would have a negative impact upon highway safety in the area.

There are also 2 objections from the manager of Library, which is sited to the west of the site and they object on inadequate parking grounds and that the matter will become worse as the doctors site expands.

7.2 2 supporting comments received: One was from North Derbyshire Clinical Commissioning Group explaining part of the process behind the planning application and supporting the scheme. Another letter was from the Patient Participation Group also stating that they are fully supportive of the application.

Comments

The issues raised are addressed in the report 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 It is considered that the recommendation is objective and in accordance with clearly established law.

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

9.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

9.2 Given that the proposed development does not conflict with the NPPF and with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for, and requested changes to make the scheme acceptable.

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

10.0 **CIL LIABILITY**

10.1 Having regards to the nature of the proposals the development comprises the creation of new space for a pharmacy within the extended building, a condition will be included that this space will be retained as a pharmacy only, and the development is therefore not CIL Liable.

11.0 **CONCLUSION**

11.1 The proposals are considered to be appropriately designed such that they are considered in keeping with the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. The location of the proposed development site is appropriate, is well served by public transport, and is in close proximity to amenities. As such, the proposal accords with the requirements of policies CS2, CS17, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

11.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS2 and CS18 of the Core Strategy and the wider NPPF.

12.0 **RECOMMENDATION**

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

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

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

02. All external dimensions and elevational treatments shall be as shown on the approved plans:

- Proposed First Floor plan Drawing No. 05E
- Proposed Roof Plan Drawing No. 10B

- Proposed Surgery Elevations and Roof plan Drawing No. 09B
- Proposed Ground Floor and Site Plan Drawing No. 03G
- Existing Surgery Elevations and Roof Plan Drawing No. 08A
- Existing Ground Floor and Site Plan Drawing No. 01B
- Location Plan

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.

03. No development shall take place including any works of demolition until a construction 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 construction period. The statement shall provide for:

- 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

Reason: In the interests of highway safety

04. Prior to the taking into use of the new rooms the revised parking provision shall be fully available for use. Thereafter the parking area shall be maintained free from impediment to its designated use for the lifetime of the development.

Reason: In the interests of highway safety

05. The pharmacy element of the business at Newbold Surgery shall be operated solely as a pharmacy. The consent is only for a pharmacy business. If the applicants (jointly or separately) sell, let or under let or otherwise part with possession of the whole or any part of the business then the pharmacy business shall cease and the property shall revert to a single use as a Doctors Surgery.

Reason: To enable the Local Planning Authority to review the permission in the event of the property changing hands and to prevent the establishment of a permanent retail business use within a residential area.

- 06 The Travel Plan dated September 2017 shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

Reason: To facilitate a reduction in car orientated visits to the site in the interests of highway safety.

Notes

01. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management on 01629 538686.
02. 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.
03. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.