

## ITEM 3

Case Officer: CW

Application No: CHE/23/00097/FUL

### **PROPOSAL: TWO-STOREY EXTENSION (AMENDED SCHEME SUBMITTED 31.07.2023) AT HASLAND MEDICAL CENTRE, 1 JEPSON ROAD, HASLAND, CHESTERFIELD FOR INSPIRE HEALTH**

#### **1.0 CONSULTATION RESPONSES**

Ward Members:	No comments received.
Highways Authority:	No objection, subject to condition.
Strategic planning:	No objection, subject to condition.
Environmental Health:	No objection, subject to condition for working hours.
Coal Authority:	No objection, subject to condition.
Urban Design Officer:	Objection (to previous iteration of the scheme).
Representations:	5 comments received, with issues of car parking capacity and how it would impact surrounding area, highway safety, construction traffic, projecting forwards of the building line raised.

#### **2.0 THE SITE**

- 2.1 The property concerned is the Hasland Medical Centre, located at 1 Jepson Road in the Hasland area of Chesterfield. The property is brick-built, with a catslide slate roof and UPVC windows and doors. The property is part single storey and part two storey, with a gable end to the Western frontage. A 1<sup>st</sup> floor extension has been previously constructed to the rear of the building.
- 2.2 The site is in a residential area, surrounded by housing on all sides. It is situated across the corner of Storforth Lane, Jepson Road and Beacon Hill Way. Grassed areas are situated to the North and East of the site and a car park is situated to the South. Access to the car park is from Beacon

Hill Way to the South of the site, and the boundaries to the site are largely open.

- 2.3 The surgery currently has 7 consulting rooms, 2 councillor rooms, 1 treatment room and 1 health visitor room. It has 16 parking spaces and 2 disabled parking spaces. Several of these spaces are designated for staff parking.



### **3.0 SITE HISTORY**

- 3.1 CHE/0596/0238 - Outline application for residential development – Conditional Permission – 14/09/98
- 3.2 CHE/17/00146/FUL - First floor extension for alterations to existing building to provide 4 additional GP consultation rooms and wheel chair

hoist lift. Alterations to car park to provide 4 additional car parking spaces – Conditional Permission – 19/04/17

3.3 CHE/18/00188/DOC - Discharge of Condition No. 4 - Planning Application No. CHE/17/00146/FUL – Discharge of Planning Conditions – 15/05/18

3.4 CHE/18/00503/DOC - Discharge of Condition 3 (revised parking plan) of CHE/17/00146/FUL - Discharge of Planning Conditions – 10/09/18

#### **4.0 THE PROPOSAL**

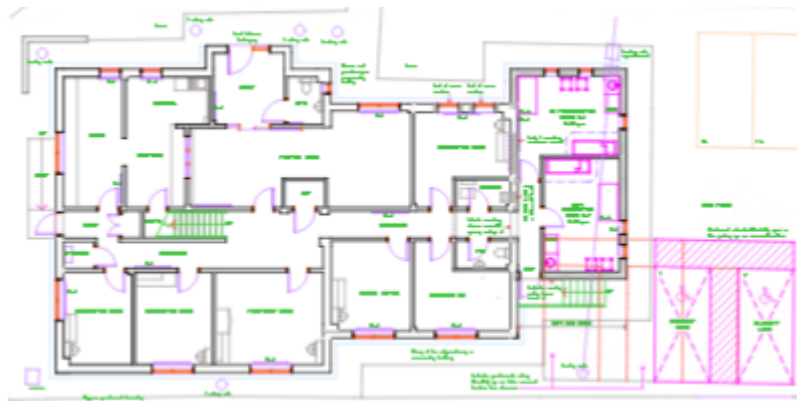
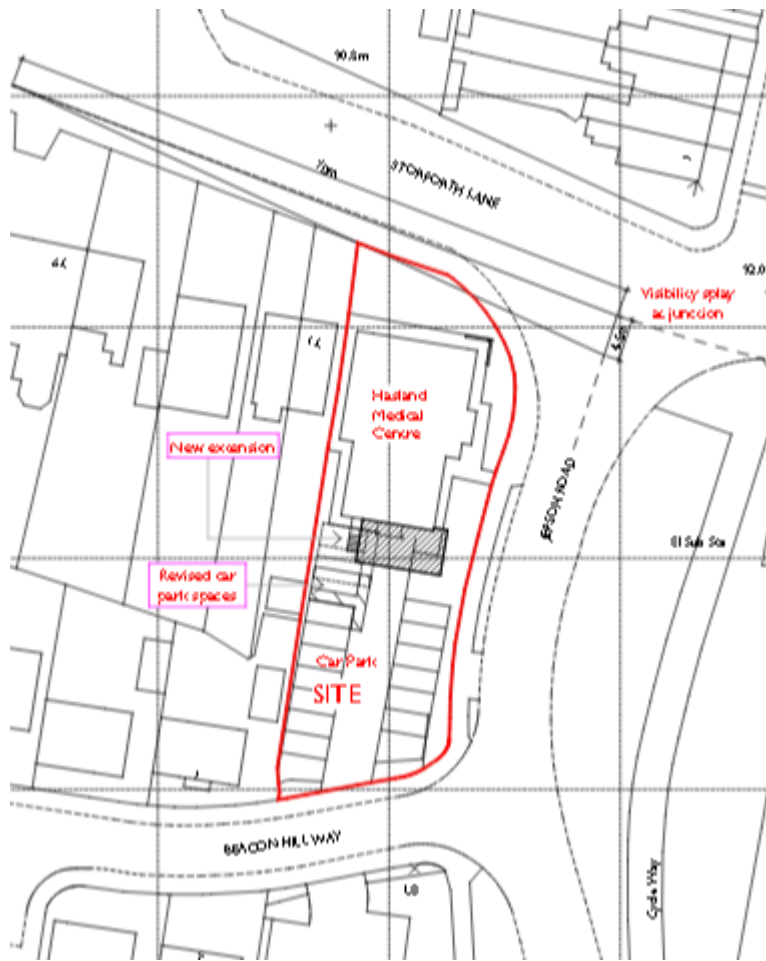
4.1 Planning approval is sought for a two storey rear extension and a 1<sup>st</sup> floor side extension. This would provide the surgery with 13 consulting rooms, which would be an increase of 6 consulting rooms. The scheme would reduce parking at the site to 14 parking spaces and 2 disabled spaces.

4.2 The 1<sup>st</sup> floor extension would include two hipped roofs, with the ridges aligning with the height of the central roof ridge. This would be on the existing footprint of the rear half of the western side elevation.

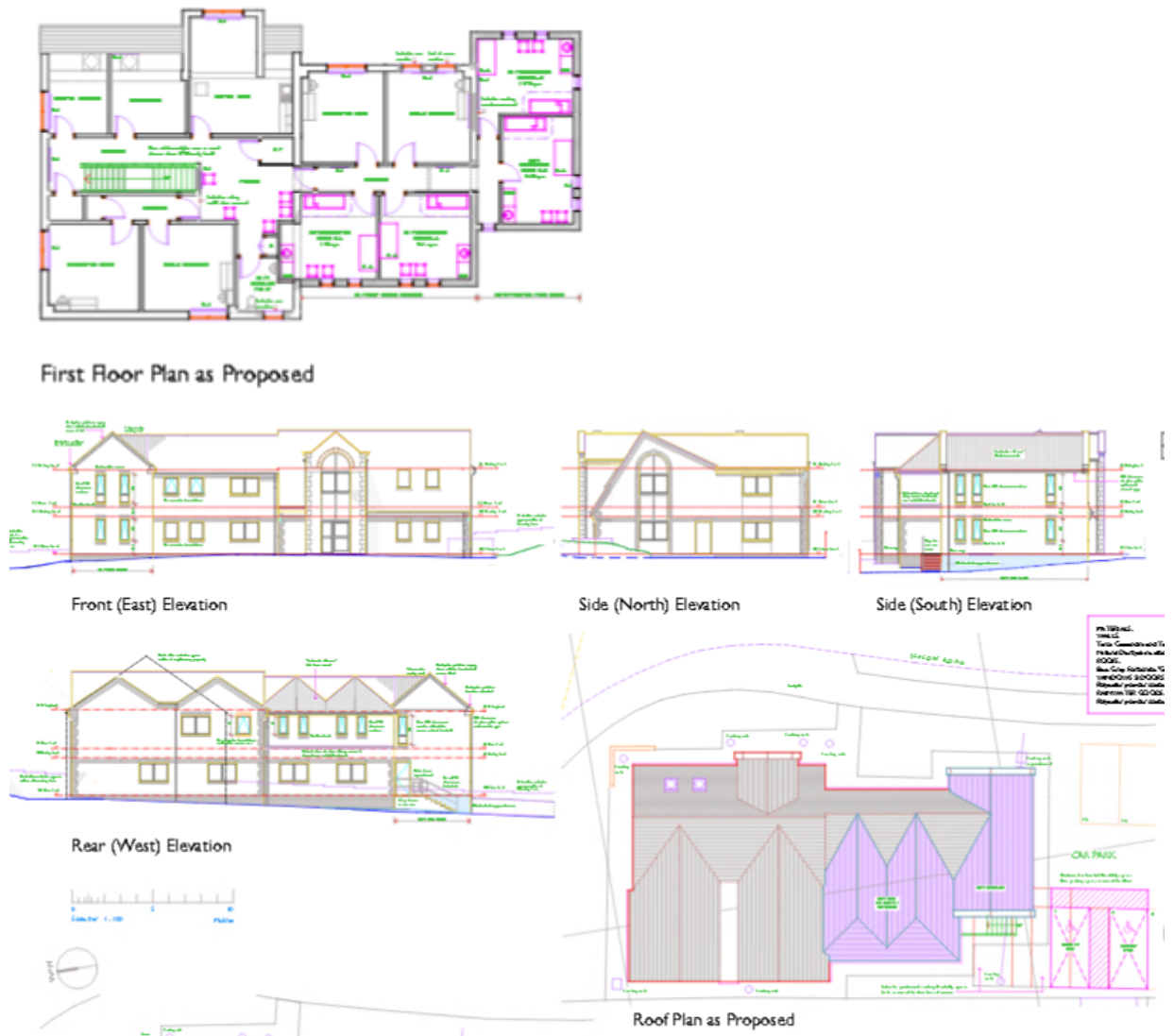
4.3 The two storey rear elevation would have a pitched roof and would have a step forwards from the front elevation. It would project out of the side by 4.5m and be a 9.3m length. It would use mixed red brick with stone detailing.

4.4 On the two storey extension there are 6 slim line windows on the southern side, 4 slim line windows on the eastern side and 1 window on the western side. The first floor extension would have 4 slim line windows. On the eastern side there would be 4 new windows introduced on the existing wall.

4.5 The scheme has been amended, with the original scheme including a front/side extension and additional car parking.



Ground Floor Plan as Proposed



## 5.0 PLANNING POLICY

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

## 5.2 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP11 Infrastructure Delivery
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment

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

### **5.3 National Planning Policy Framework**

- Chapter 2 Achieving sustainable development
- Chapter 6: Building a strong, competitive economy
- Chapter 8 Promoting healthy and safe communities
- Chapter 12 Achieving well-designed places

## **6.0 CONSIDERATION**

### **6.1 Principle of Development**

6.1.1 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.

### **6.2 Design and Appearance of the Proposal**

- 6.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.
- 6.2.2 The existing built form consists of a brown/red brick two storey construction with fenestration details of a blue upvc frames, with the exception of two windows on the top, which are grey. The built form has a distinctive slightly off-centred single gable with decorative quoins to accentuate the brickwork's corners and edges.
- 6.2.3 The scheme has been amended from the original scheme, with several drafts in-between, with the bulk of the scheme moved from the northern front/side to the southern rear/side.
- 6.2.4 The proposed scheme copies the existing massing and scale of the building, with the same eaves and ridge height on the two storey element and first floor section. It would also introduce new matching windows in the existing building and several slim line windows to the front, side and

rear elevations. These windows are considered to be acceptable for the building.

- 6.2.5 The proposed materials are considered to be broadly acceptable, but further consideration is required to ensure that the brick and tile types are an acceptable choice for the highly prominent location. This can be considered via condition.
- 6.2.6 The development is considered to be sympathetic to the existing building and character of the surrounding area. In this regard, the proposal is not considered to be detrimental to the character or appearance of the area. Accordingly, this application is considered to comply with the design objectives of policy CLP20 of the Chesterfield Borough Local Plan and Chapter 12 of the revised NPPF.

### **6.3 Residential Amenity**

- 6.3.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.
- 6.3.2 Overlooking – The scheme includes several new windows on all sides, but all of these windows are obscure glazed and of a slim line design. The presence of the windows is not considered to lead to any overlooking issues however it will be necessary to ensure the obscure glazing is retained in perpetuity via a condition.
- 6.3.3 Overshadowing and loss of daylight/sunlight – The agent for the scheme has submitted a sun path study of the existing and proposed impacts on site, which assesses the impacts at different times of the year and the day. This has shown some minor impacts during the earlier morning hours in autumn/winter however it is considered that the detailed analysis confirms that the scheme does not lead to a significant impact to the neighbouring dwelling to the west.
- 6.3.4 The development would introduce a larger mass of building close by to the neighbouring dwelling and the main impact would be the 1<sup>st</sup> floor extension which would produce a negative impact to the rear windows of the neighbours however due to hipped roofs and the separation between the two buildings this is not considered to lead to a significant negative impact such that refusal of permission can be justified.

6.3.5 In this regard it is considered to be acceptable in terms of amenity and is in line with policy CLP14, as well as the revised NPPF, subject to condition.

#### **6.4 Highways Safety**

6.4.1 Local Plan policies CLP20 and CLP22 require consideration of parking provision and highway safety. The Highways Authority was consulted on the proposal as originally submitted and they confirmed they had no objection commenting that the proposal would most likely result in a slight intensification in use of the existing vehicular access to Beacon Hill Way, however, a small increase in traffic associated with the site is considered to be negligible and is unlikely to result in any highways safety issues.

6.4.2 The Highway Authority has however not responded to the re-consultation on the revised scheme. The revised scheme has moved the extension to the rear of the site, has increased the number of consulting rooms by 6 from 4 and has reduced parking spaces on site by 2 to accommodate the development.

6.4.3 The previous application (CHE/17/00146/FUL) which was implemented was for an increase in consulting rooms and included an increase in car parking spaces by 4 and which has been provided on site.

6.4.4 The objections from local residents have commented that the existing surgery site already has insufficient parking numbers to accommodate patients and staff numbers such that vehicles are parked in the surrounding area on Jepson Road in front of the site and on Beacon Hill Way. There is also a comment that the construction phase during the previous works in 2018 led to the temporary loss of the car park.

6.4.5 This is undoubtedly the main issue as the surgery capacity is increased with the prospect of an increase in vehicular traffic arising from increased consultation rooms at the same time as a reduction in the number of off street parking spaces from 18 to 16. There is some capacity for on-street parking availability on surrounding streets including on Storforth Lane, Jepson Road and Eyre Street East. Beacon Hill Way is however a densely built street with few spaces to safely park vehicles on-street whilst allowing access for residents into their driveways and leaving space around corners.



- 6.4.6 The Local Planning Authority does not have parking standards included in its Local Plan, such that each case has to be considered on its own merits. Due to the expansion of the practice the proposal will clearly lead to an increase in demand for parking on site and in the local area. It is accepted that the Beacon Hill Way and Jepson Road (in front of the site) has limited capacity for safe on-street parking, but within the wider area there is capacity for safe on-street parking however it is possible that those visiting the site may wish to park as close as possible in the event that no spaces remain on site. This may result in indiscriminate parking in positions not conducive to highway safety.
- 6.4.7 The previous development on site included the use of the car park as a construction compound, which impacted the surrounding area, as staff and patients were forced to park in the local area and whilst a construction management plan can be sought as part of any approval it is the case that there are no real onsite opportunities from which to construct such a development other than from the car park area. It is accepted that this would be a temporary inconvenience.
- 6.4.8 On the basis that it is appropriate to encourage expansion of such crucial infrastructure where possible and the obvious public benefits which will inevitably arise as a result of increasing health care facilities locally, it is clear in this case that the argument is finely balanced. An argument can be made to refuse the development based on increased demand for parking at the same time as reducing provision in the context of there already being a shortfall of onsite spaces. However in such balanced situations it would be appropriate to consider the opportunity for on street parking and as there appears to be capacity on neighbouring streets given the lack of parking restrictions on the south side of Storforth Lane and on Jepson Road and good road widths, then the balance should be tipped toward the development.





On this basis the proposal is recommended for approval.

## **6.5 Biodiversity**

- 6.5.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the borough’s ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.
- 6.5.2 The existing site offers includes grass and some shrubs surrounding the site. No additional biodiversity information provided for the existing or proposed situation on site. It is considered that the inclusion of bird boxes or bad boxes on site would be acceptable in regards the biodiversity net gain policy. Any additional work would be completed after construction finishes on site.
- 6.5.3 The proposed development does not result in the loss of an existing species rich habitat area. Some level of biodiversity net gain is considered to be necessary to accord with policy CLP16 of the Local Plan and the NPPF, therefore a planning condition will be attached to any decision issued to ensure the application provides the agreed biodiversity net gain measures, as a result of the proposed development. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

## **6.6 Environmental Health**

6.6.1 The Council's Environmental Health Team was asked to comment on the proposal, they requested that construction work hours should be limited to ensure it is policy compliant in regards environmental health and policy CLP14. As the site is in a residential area it has the potential to impact neighbouring dwellings if the scheme is developed inconsiderately and a restriction on the proposed working hours is therefore considered necessary.

## **6.7 Flooding**

6.7.1 The site is within flood zone 1 and the development is a low risk development. This ensures that the proposal is acceptable in relation to policy CLP13.

## **6.8 Coal Mining**

6.8.1 The proposal is in a high risk coal mining area and a coal mining risk assessment has been submitted as part of the application. The Coal Authority was consulted on the proposal and did not object subject to conditions. This ensures that the proposal is acceptable in regards its impact on coal measures in the area and policy CLP14 in this regard.

## **6.9 Community Infrastructure Levy**

6.9.1 Having regards to the nature of the application the development proposes to reconfigure an existing and in-use community building, and to continue to utilise the facility for this purpose. It is considered the scheme is not CIL Liable.

## **7.0 REPRESENTATIONS**

7.1 5 comments have been received from residents of Beacon Hill Way, with issues raised regarding car parking capacity and how it would impact the surrounding area and highway safety, construction traffic, noise and the projecting forwards of the building line.

7.2 Officer comment – these issues have been addressed in the above report.

## **8.0 HUMAN RIGHTS ACT 1998**

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

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken

- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

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

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

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 and the 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF and with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

## **10.0 CONCLUSION**

10.1 The proposed development is considered to be an acceptable design for its location. Furthermore, it is not considered that the development would result in significant injury to the amenity of the local residents. On the balance between the public benefit of increasing healthcare facilities in the local area and the likely increase in on street parking, it is concluded that the benefit should be provided to the developer. As such, this application is considered to comply with the requirements of policies CLP11, CLP14, CLP16, CLP20, and CLP22 of the Chesterfield Borough Local Plan 2018-2035 and Chapter 12 of the revised National Planning Policy Framework.

## **11.0 RECOMMENDATION**

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

### **11.2 Conditions**

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

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

2. The development hereby approved shall only be carried out in full accordance with the approved plans: Site Location plan and block plan, Existing Elevations and Floor plans, Proposed floor plans and Elevations (revised 31/07/23); with the exception of any approved non-material amendment.

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

3. Within 2 months of the commencement of the development hereby approved, a scheme for biodiversity enhancement shall be installed on site. The enhancement measures shall thereafter be retained and maintained throughout the life of the development. With informative note 2 providing options.

Reason - In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 175 of the National Planning Policy Framework.

4. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

**Reason:** In the interests of residential amenity and CLP14

5. No development shall start until a Highway Construction Management Statement / Plan has been submitted to and approved in writing by the Local Planning Authority. The statement / plan shall include details specifically relating to:
  - parking for vehicles of site personnel, operatives and visitors
  - site accommodation
  - storage of plant and materials
  - routes for construction traffic to and from the site and measures to ensure adherence to the approved routing plan for vehicles under the applicant's / developer's control
  - provision of roadside boundary hoarding behind any visibility zones

- any proposed temporary traffic management.
  - Dust suppression to neighbouring residents.
- Only the approved details shall be implemented, which shall be maintained throughout the construction period.

**Reason:** To ensure safe and suitable access for all users, in the interests of highway safety, recognising that initial preparatory works could bring about unacceptable impacts / inconvenience for existing highway users / nearby residents.

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

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

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

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

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

**Reason** - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality, and policy CLP20.

9. Obscure glazing to a Pilkington Scale level 4 shall be utilised in the additional windows on the western and southern elevations of the proposed development. These windows, shall be installed and retained obscurely glazed thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - In the interests of the amenities of occupants of adjoining dwellings, CLP14 and CLP20

10. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting these Orders with or without modifications), the premises shall be used as a doctors surgery only and for no other purpose, including any other activity within the same class of the schedule to that Order.

**Reason** – In order to avoid CIL liability, and given the overall use falls into Use Class E, it is necessary to restrict the use of the building.

### **11.3 Informative Notes**

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. In accordance with condition 3, appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
  - bird/owl/bat boxes(Locating your nestbox:  
Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted

slightly forwards so that the roof may deflect the rain from the entrance.

You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.

The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.

Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)

(Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)

- biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats
- measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance

3. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from emailing [ETE.DevControl@derbyshire.gov.uk](mailto:ETE.DevControl@derbyshire.gov.uk) in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement



4. It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, developers should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.
5. It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.
6. Pursuant to Sections 149 and 151 of the Highways Act 1980 it is an offence to allow mud or other extraneous material to be carried from a development site and deposited on the highway. Measures shall be put in place to ensure that this does not occur or if it does that appropriate measures are taken to cleanse the highway. The Highway Authority reserves the right to undertake street cleansing where the developer fails to do so and to recover the costs from them.