

Case Officer: RF

Application No: CHE/23/00794/FUL

Planning Committee: 15th April 2024

ITEM

PROPOSAL: CHANGE OF USE FROM HEALTH CENTRE TO RESIDENTIAL ASSESSMENT CENTRE AND CHILDREN'S HOME INCLUDING GROUND FLOOR AND FIRST FLOOR EXTENSIONS AND OTHER ALTERATIONS

LOCATION: 82 ST PHILIPS DRIVE, HASLAND, CHESTERFIELD FOR DR CATHERINE KEMP

Local Plan: Unallocated, within the built up area.

Ward: Hasland

1.0 CONSULTATIONS

Ward Members	Cllr Serjeant objects on grounds of negative impact on the character and nature of the area; overshadowing and loss of privacy; traffic, safety and parking.
Local Highways Authority	No highway objections subject to conditions regarding parking provision and provision of visibility splays, – see report
Strategic Planning	It is broadly an appropriate location for the proposed use in principle - see report.
Design Services Drainage	Part of the site is shown as susceptible to surface water flooding – need to ensure the new development is set no lower than the existing floor level.
Environmental Health	No adverse comments. Condition recommended restricting working hours.
Representations	84 objections received from 62 objectors - concerns raised regarding highway safety, inadequate parking provision, form of the design, overdevelopment, overlooking

and overshadowing, impact on residential amenity, lack of bin provision – see report

2.0 **THE SITE**

- 2.1 The application site is the vacant former health centre which comprises a single storey L-shaped building on the corner of St Philips Drive and Swanbourne Close. The surrounding area is residential, with dormer bungalows opposite the site along St Philips Drive and bungalows in Swanbourne Close and to the west on St Philips Drive. The existing car park is accessed from Swanbourne Close and exits onto St Philips Drive, a one-way system was in operation for the surgery.
- 2.2 The application site is within the defined Built up Area and is unallocated on the Chesterfield Borough Council adopted local plan policies map 2018-2035.
- 2.3 The site is within Flood Zone 1.



Block Plan 1:500

Photo 1: The Site (View from junction of St. Phillip's Drive and Swanbourne Close)



Photo 2: The Site (View from St. Phillip's Drive including existing vehicle exit)



Photo 3: The Site (View from Swanbourne Close including existing vehicle entrance)



3.0 SITE HISTORY

- 3.1 CHE/06/00671/FUL single storey extension, Conditional Permission 01.11.2007.
- 3.2 CHE/0993/05211/FUL single storey extension, Conditional Permission 11.11.1993.

4.0 THE PROPOSAL

- 4.1 The application proposes to change the use from a health centre to a residential assessment centre and children's home including ground and first floor extensions and other alterations to the access and car parking arrangements. It is proposed the majority of the existing tarmac car park would provide two separate outdoor amenity areas, with two separate parking areas, one to the east providing 5 spaces for unit 2 and 3 spaces to the west for unit 1.

Proposed Elevations



- 4.3 The proposed operator of the proposed care home would be TH Residential Services who set out that the proposal is to provide two facilities, each of which would provide a distinct type of residential care and support. One would be a three-bed facility to be used for emergency placement/assessment. Children would stay in the property for a relatively short period during which their specific needs would be assessed, before being placed in appropriate longer term care. The second would provide longer term accommodation for up to five children plus carers. The property has been specifically designed to accommodate children with learning disabilities. Both properties would be registered with Ofsted.
- 4.4 Both properties would have staff present on a 24/7 basis. The number of staff would vary according to the needs of the residents, with some staff on site for a short period of time, others for longer. Managerial and specialist staff may not need to be on site each day. The number of staff on site would increase for a short time during staff hand-over/shift change.
- 4.5 During a typical day, property 1 would have on site the following staffing team: a manager, a deputy manager, 1 senior support worker, 1 team leader and 2 residential support workers.

During a typical night time, property 1 would have on site the following staffing team: 1 senior support worker, 1 team leader and 1 residential support worker.

During a typical day, property 2 would have on site the following staffing team: a manager, 1 senior support worker and 2 residential support workers.

During a typical night time, property 2 would have on site the following staffing team: 1 senior support worker/team leader and 1 residential support worker.

- 4.6 Given their needs, children would not leave the site unaccompanied with any trips or visits away from the properties supported by staff at agreed care ratios.

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 (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP3 Flexibility in Deliver of Housing
- CLP6 Economic Growth
- CLP10 Social Infrastructure
- 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

- Part 2. Achieving sustainable development
- Part 4 Decision making
- Part 8. Promoting healthy and safe communities
- Part 9. promoting sustainable transport
- Part 11 Making effective use of land
- Part 12. Achieving well-designed places

- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment

5.4 **Supplementary Planning Documents**

- Successful Places Residential Design Guide

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 Before considering the principle of the proposed use, the loss of the health centre use needs to be addressed via the application of policy CLP10. This states that development resulting in the loss of a community facility should only be approved if:

- a) there is an equivalent facility available in the locality or an equally accessible one is made available prior to the commencement of redevelopment to serve the same need; and*
- b) it can be demonstrated through a viability assessment that the current use is economically unviable and all reasonable efforts have been made to let or sell the unit for the current use over a continuous 12 month period that includes advertisement for let or sale at a realistic price.*

6.1.2 Strategic Policy note that both parts of the policy need to be addressed before considering alternative uses. The applicant has provided a letter of support explaining the context of the move of health services from the building and it is noted that there is alternative provision at Hasland Medical Centre, around 700m from the site.

6.1.3 In respect of part (b) – no viability or sales information has been provided. However, it is appropriate to consider that GP services operate under specific funding and operational arrangements that mean that putting the unit on the open market would not be appropriate and is unlikely to result in re-use for the same purpose (as may be the case, for example, with a pub).

6.1.4 Given the above, officers are therefore satisfied that the requirements of policy CLP10 have been met.

6.1.5 The overriding aim of the Local Plan, as expressed in policies CLP1 and CLP2 is to locate uses where they are accessible by a range of means of transport, but with an emphasis on walking. This location is within the built up area, primarily residential, and within reasonable walking distance of a Local Centre and a range of

schools. It is therefore broadly an appropriate location for the use in principle.

6.2 Design and Appearance of the Proposal

- 6.2.1 Local Plan policy CLP20 states *'all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.'*
- 6.2.2 The surrounding residential area is characterised by detached single storey bungalows with a number of semi-detached chalet bungalows opposite the site on St Philips Drive. All these properties have pitched roofs with gables.
- 6.2.3 The proposed first floor extension would have a hipped roof. The ridge height would be 7.05 metres. The single storey extension would also have a hipped roof with a ridge height of 4.409 metres. It would extend the building to within 0.8m of the boundary with 80 St Philips Drive, with a gated pedestrian access to the rear.
- 6.2.4 The proposal is considered to be of a scale that would be out of keeping with the wider residential context of the site. It would introduce a two storey building into an area characterised by bungalows and being located on a prominent corner plot would fundamentally change the appearance of the area. The single storey extension would result in an elongated form of development, close to the side boundary, resulting in the need for car parking to be provided forward of the building. The design is thus considered to be unacceptable and as such would conflict with the requirements of Local Plan policy CLP20.

6.3 Impact on Neighbouring Residential Amenity

- 6.3.1 Local Plan policy CLP14 states that *'All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts'*
- 6.3.2 Local Plan policy CLP20 expects development to *'k) have an acceptable impact on the amenity of users and neighbours;'*
- 6.3.3 The proposed two storey addition would include bedrooms at first floor level. There would be one bedroom window plus bathroom

window in the north elevation facing 4 Swanbourne Close, one bedroom window plus two bathroom windows in the west elevation and three bedroom windows in the south elevation facing onto St Philips Drive.

6.3.4 The distance to the boundary fence with 4 Swanbourne Close is approximately 8.2m with the distance between the rear wall of 82 St Philips Drive and the side wall of 4 Swanbourne Close being around 10.6m. 4 Swanbourne Close has a rear conservatory.

6.3.5 The Successful Places Residential Design Guide SPD at 3.11.9 states *“to reduce the effect of direct overlooking from new houses, first floor habitable room windows directly facing a rear boundary should not normally be sited close than 10.5m to the boundary of an adjoining residential garden.”* Although not a new house, the proposed first floor addition including a bedroom window would result in a comparable situation. It is considered this would result in an unacceptable degree of overlooking and loss of privacy for adjacent dwellings.

6.3.6 The Council’s Environmental Health Officer reviewed the scheme and raised no objections in principle. As the application site is surrounded by residential dwellings the impact of construction works could be restricted by the imposition of a condition controlling the hours of construction works.

6.3.7 Having consideration for the observations above, based on the siting and orientation of the proposed development it is considered that the proposal would adversely impact on the neighbouring residents in terms of overlooking and loss of privacy. The proposal would conflict with the provisions of Local Plan policies CLP14 and CLP20.

6.4 Highways Safety

6.4.1 Local Plan policy CLP20 expects development to *‘g) provide adequate and safe vehicle access and parking and h) convenient and attractive environment for pedestrians*

6.4.2 Local Plan policy CLP22 details the requirements for vehicle/cycle parking.

6.4.3 The Local Highways Authority reviewed the scheme and provided the following comments: *“Although there are no highway objections ... and .. mindful that it is in the remit of Chesterfield Borough Council to determine if the proposed parking adheres to the relevant parking standards.*

However, submitted drawing P/008 Rev A shows the widening of the vehicle access onto St Philips Drive, but the submitted application has indicated that there will be no alterations to the vehicular access proposed to or from the public highway which is clearly not the case. The widening of the access from St Philips Drive will require the increase of the dropped kerbs on both sides of the existing access, so to ensure the aforementioned access improvements are provided (ensuring vehicles do not drive over a full height kerb.” The response goes on to recommend conditions that the access, parking and turning facilities are provided and pedestrian visibility splays of 2m x 2m be provided on either side of both vehicular accesses.

- 6.4.4 One representation believes it is not possible to provide the required visibility splays without utilising land within adjacent properties.
- 6.4.5 The application proposes 5 parking spaces for unit 2 utilising the existing access from Swanbourne Close and 3 parking spaces for unit 1 accessed from St Philips Drive. The surgery operated with an in and out arrangement for car parking which was implemented as part of a previous planning permission to extend the premises. This enabled vehicles to enter and leave the site in forward gear without the need to reverse out onto St Philips Drive or Swanbourne Close. This has been raised as a significant concern by many of the residents given the proximity of the accesses to the junction of St Philips Drive and Swanbourne Close, together the road alignment and condition plus the volume of traffic now using St Philips Drive.
- 6.4.6 Whilst the Local Highway Authority does not object, it is considered that the parking arrangements are not ideal, particularly the spaces fronting St Philips Drive. The applicant has indicated 2m by 2m visibility spaces on the plan (shown at para 4.1) however they are not drawn correctly and would simply be driven over and be ignored. Whilst they do not utilise or impact on the adjacent properties, being wholly within the application site, they could be appropriately provided at the access points but would result in a reduction in the number of parking spaces which can be provided on site.
- 6.4.7 In so far as the number of parking spaces, the scheme shows 3 No to St Phillips Drive and 5 No off Swanbourne Close (total spaces 8). The proposed number of staff set out above at paragraph 4.4-4.5 would potentially (particularly at shift changeover) result in more cars being present than parking spaces available meaning some staff may have to park on the road, at least until the previous shift has left. At shift overlap when staff leaving from the day shift would still be present on site when staff for the night shift will have arrived, a typical day suggests that there would be a total of 9 staff for property 1 and 6 for property 2 (total staff on site 15). This figure excludes any visitors or servicing which may take place but it is

accepted that some staff may not travel to the site requiring a car parking space. Notwithstanding this it is considered the development as proposed does not include adequate car parking facilities resulting in the likelihood of increased on road parking close to a junction and bend in the highway which would not be in the best interests of highway safety. The number of spaces available would be reduced further (by 1) if the 2m by 2m splays were to be appropriately required.

6.5 Flood risk, Drainage and Water Efficiency

- 6.5.1 Local Plan policy CLP13 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 developments are made safe for their lifetime without increasing flood risk elsewhere.*
Development proposals and site allocations will:
a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;
b) be directed to locations with the lowest impact on water resources;
c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.
- 6.5.2 The application site is within Flood Zone 1. The Council’s Design Services Drainage Team were consulted and commented *“part of the site is shown as susceptible to surface water flooding according to the Environment Agency Flood Maps. The applicant needs to be aware of this and ensure the new development is set no lower than the existing floor level and bear in mind any flood mitigation measures which may be necessary to ensure this is not exacerbated.”*
- 6.5.3 The proposed single storey extension would be at the same level as the existing building.
- 6.5.4 In addition Local Plan policy CLP13 states that *‘Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.’* This is normally addressed by the imposition of a planning condition to this effect.

6.6 Biodiversity

- 6.6.1 Local Plan policy CLP16 states that *‘The council will expect development proposals to:*

- *avoid or minimise adverse impacts on biodiversity and geodiversity; and*
- *provide a net measurable gain in biodiversity'*

6.6.2 The NPPF also requires net gains in biodiversity.

6.6.3 As a minor application a full habitat assessment would not be appropriate. A note on the revised landscaping plan states that the existing planted area is 73.7sqm, the proposed planted area is 130.5sqm communal, 136,3sqm private, plus allow for inclusion of 2 bird boxes and one bat brick. An existing gravel area which was previously shown as retained is now proposed to be a planted area. In order to satisfy the policy requirement, the applicant should set out a scheme for achieving BNG, including use of planting and bird/bat/invertebrate nesting and roosting provision. Wherever possible, this should be incorporated into the fabric of the building/landscaping to ensure permanence. This could be dealt with through the imposition of a planning condition.

6.7 Landscaping

6.7.1 The submitted landscaping plan shows the existing frontage hedge and lawn retained with new 1.8m high close boarded fencing to separate the two amenity areas and car parking area for unit 2. Indicative areas of planting are also shown within the outdoor amenity areas with existing boundary fences with adjacent properties to remain. An existing gravel area would be replaced with a planted area. Full details could be required by condition.

6.8 Developer Contributions and Community Infrastructure Levy

6.8.1 The proposed development is within the C2 residential institutions use class. This is not CIL liable development.

7.0 REPRESENTATIONS

7.1 The application has been publicised by neighbour notification letters and by the posting of 2 site notices. 84 objections have been received from 62 objectors. The points made may be summarised as follows:

- Contrary to Local Plan policies CLP14 and CLP20, as the extensions would be out of character with the area and result in overdevelopment of the site, overlooking and loss of privacy for neighbouring properties;
- This is an area of bungalows with pitched gable roofs, so a two storey extension with a hipped roof would not be in keeping;

- Number of parking spaces proposed is inadequate for the use, given the number of staff proposed;
- Required visibility splays could not be provided without encroaching on third party land;
- Site is close to a blind junction and increase in traffic, cars reversing out of parking spaces or the need for vehicles to park on street will be harmful to highway and pedestrian safety, given the volume of traffic which now uses St Philips Drive;
- The nature of the use would result in increased noise and disturbance for local residents, due to the number of vehicle movements including staff turnover and deliveries and potential activity within the garden areas;
- No provision has been made for bin storage so presume would need to be stored in the rear garden areas;
- Covenant prevents the site being used for business purposes.

7.2 ***Officer comments – It is considered the points raised have been addressed in the report.***

8.0 HUMAN RIGHTS ACT 1998

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

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

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

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 and the 2023 National Planning Policy Framework (NPPF) the Local Planning Authority considered the merits of the submitted application and judged that the application is not acceptable in terms of the its design and impact on the amenities of local residents, which is contrary to the provisions of the Local Plan and the NPPF. On this basis the requirement to engage in

a positive and proactive manner is considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

10.0 CONCLUSION

10.1 The proposed extensions are not considered to be of an acceptable design which would have a detrimental impact on the amenities of local residents and on highway safety. The planning balance is therefore considered not to be in favour of the proposals.

11.0 RECOMMENDATION

11.1 It is therefore recommended that the application be refused for the following reasons:

Reasons

1. The proposed development would in the opinion of the Local Planning Authority result in an over development of the plot to the detriment of local residential amenity and highway safety having regard to the following matters:
 - a) An over dominant form of development overlooking the adjacent dwelling at 4 Swanbourne Close to the detriment of residential amenity;
 - b) The proposed hipped roof design of the first floor extension would not be in keeping with the predominant character of the area to the detriment of visual amenity;
 - c) The elongated form of the single storey extension would result in parking spaces forward of the building resulting in a negative impact to the street scene of St Philips Drive;
 - d) The number of parking spaces proposed is inadequate to serve the needs of the proposed development resulting in parking on the highway close to a junction and bend in the road which would not be in the best interests of highway safety;
 - e) Satisfying the highway authority requirement for pedestrian intervisibility splays would further reduce parking numbers available on site.

As such the proposal is considered to be an unacceptable form of development which would conflict with policies CLP14, CLP20 and CLP22 of the adopted Chesterfield Borough Local Plan 2018-2035 and with part 12 of the NPPF 2023.