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Ctte Date: 23<sup>rd</sup> April 2019

File No: CHE/19/00091/REM1  
Plot No: 2/1339 & 513

## **ITEM 6**

### **PROPOSED – VARIATION OF CONDITION 2 (SUBSTITUTION OF APPROVED DRAWINGS) AND 11 (RELOCATION OF BIN COLLECTION POINT) OF CHE/17/00263/FUL - ERECTION OF 34 DWELLINGS INCLUDING PRIVATE AMENITY SPACE, CAR PARKING PROVISION, NEW ACCESS ROAD, LANDSCAPING, DRAINAGE SWALE AND ON-SITE OPEN SPACE AT THE FORMER SALTERGATE HEALTH CENTRE, SALTERGATE, CHESTERFIELD, DERBYSHIRE FOR WOODALL HOMES LTD**

Local Plan: Town Centre  
Ward: Brockwell

#### **1.0 CONSULTATIONS**

<b>Local Highways Authority</b>	Comments received 21/02/2019 – see report
<b>Crime Prevention Design Advisor</b>	No comments received
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	4 no. representations received

#### **2.0 THE SITE**

- 2.1 The application site is located within Chesterfield town centre and was previously, prior to the demolition of the buildings on site, the Saltergate Medical Centre. The site is approximately 0.66 hectares in area.
- 2.2 The main vehicular access into the site is from Saltergate via a tree lined avenue; however access/egress is also obtained via Spencer Street located to the north of the site.
- 2.3 The site has pedestrian connections to the surrounding residential areas (Tennyson Avenue, Queen Street, Cross Street and St Mary's primary school) and adjacent to the northern boundary of the site is Brickyard Walk, a pedestrian footpath that links the

residential areas to the west of the site with Chesterfield town centre.

- 2.4 Planning permission was granted for the redevelopment of the site on 08/08/2017 for the erection of 34 dwellings including private amenity space, car parking provision, new access road, landscaping, drainage swale and on-site open space. The permission was granted subject to a S106 legal agreement and 22 no. planning conditions.

### 3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/18/00644/DOC - Discharge of planning conditions 11 (bin storage) and 20 (broad band provision) on application CHE/17/00263/FUL.  
- agreed 26/10/2018
- 3.2 CHE/18/00283/REM1 - Variation of condition 2 (substitution of drawings CO1E with W01F, C11B with P02, C08A with W09F and P03 - amendment of house types) of CHE/17/00263/FUL.  
Conditional permission granted 28/06/2018.
- 3.3 CHE/18/00189/REM1 - Variation of condition 5 (S278 / S38 Works) of CHE/17/00263/FUL. Conditional permission granted 08/05/2018.
- 3.4 CHE/18/00124/REM1 - Variation of condition 2 (approved plans - to allow for street lighting to be installed along access road) of CHE/17/00263/FUL. Conditional permission granted 08/05/2018.
- 3.5 CHE/17/00263/FUL - Erection of 34 dwellings including private amenity space, car parking provision, new access road, landscaping, drainage swale and on-site open space. Conditional permission granted 08/08/2017.
- 3.6 CHE/14/00415/DEM - Proposed demolition of former Saltergate Medical Centre and Marsden Street Clinic Buildings (2 x rectangular blocks, mainly single storey brick built buildings with slate roofing and basement level. Three small outbuildings/portacabin to be removed.  
Prior approval not required 31/07/2014.

### 4.0 **THE PROPOSAL**

4.1 This is an application, submitted under S73 of the TCPA, to seek amendment to condition 2 of planning permission CHE/17/00263/FUL (and any subsequent approved amendments thereof) to:

- delete the provision of a pedestrian connection from the site to Brickyard Walk running between plots 18 and 20;
- to amend the garage to plot 20 (from double to single); and
- relocate a bin collection point to adj the garage with plot 22.

4.2 The application is supported by the submission of the following plans / drawings:  
Proposed Site Layout Plan W01 Rev J

- (to replace C01 Rev E under CHE/17/00263/FUL – amended to W01 Rev F under app. CHE/18/00283/REM1)

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy / Principle of Development**

5.1.1 The site is situated within the built settlement of Brockwell ward on a parcel of previously developed land in an area predominantly surrounded by residential development. The site is located fringe on the commercial town centre. Having regard to the nature of the application proposals policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS11, CS13, CS18, CS19, CS20 and PS1 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design ‘Successful Places’ is also a material consideration.

5.1.2 The principle of development is established by the existing planning permission and it is not considered that the changes being sought as a result of these variations of condition applications alter or affect the planning considerations in this regard.

### 5.2 **Design and Appearance Considerations (inc. Neighbouring Impacts)**

5.2.1 Deletion of plot 18 / 20 footpath connection

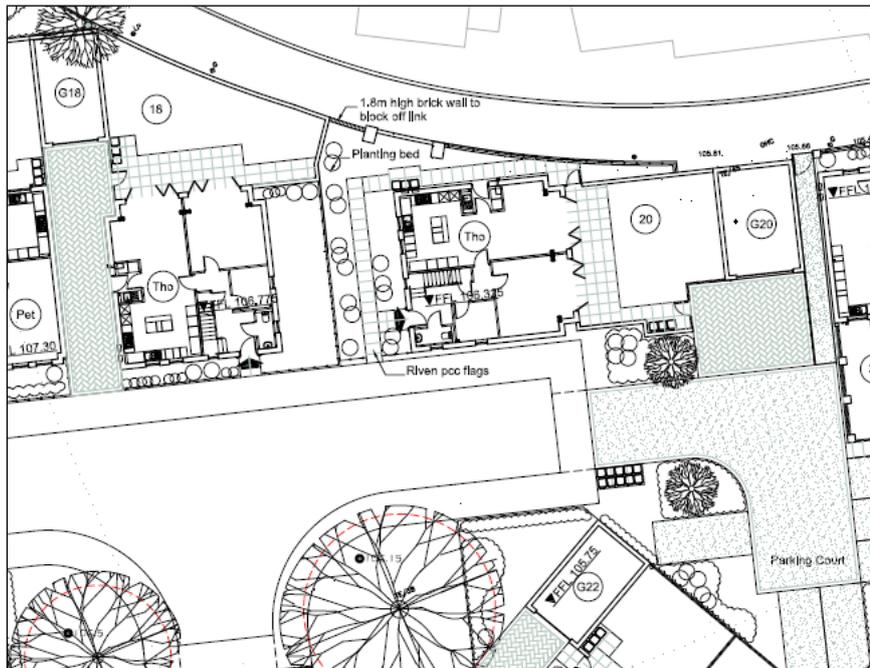
As approved the layout of the development included the provision of a footpath link connecting the site to Brickyard Walk positioned between Plots 19 and 20/21 of the originally approved scheme (CHE/17/00263/FUL – Site Layout Plan C01 Rev E).



The house types on these plots were subsequently amended under app. CHE/18/00283/REM1, with the plots becoming 18 and 20 as a result of semi-detached properties being removed from the scheme. Under this approval the footpath link remained in situ (Site Layout Plan W01 Rev F).



As the scheme has been developed the footpath link has been enclosed into the garden of plot 20 as per the photographs and latest site layout plan (W01 Rev J) below:



Whilst the loss of the footpath connection is disappointing, this connection was indeed one of two connections to Brickyard Walk incorporated into the scheme. A second link has also always been provided between the garage of plot 20 and plot 32 seen in the RH side of the site plan extracts in the report above.

Notwithstanding this however it is accepted that this second link is less convenient as this is taken from a section of the shared private driveway to plots 20, 32, 33, 34 and 35, rather than directly from the edge of the main highway where there is a wider public

footpath provision. In addition this link is shown on the site layout plan to be gated which would make it more secure but less convenient to use; however this gate has not yet been affixed (see photographs below).



In urban design terms the link in the photographs above is not ideal as users could feel intimidated by the fact it is unlit, enclosed and narrow. Furthermore the position of the boundary wall means the link is obscured to users walking towards the town centre along Brickyard Walk.

However whilst having regard to the above it is not considered that a refusal of planning permission could be substantiated on the basis the link between plots 18 / 20 has not been provided. Particularly given that the second link between plot 20 and 32 is in situ. Furthermore the applicant / agent has confirmed that the gate shown the site layout plan will not be installed to ensure the route is open and available to all.

### 5.2.2 Amendment of plot 20 garage

As approved (under CHE/18/00283/REM1) plot 20 was originally shown to be built with a detached double garage and driveway in advance; however as built plot 20 has been provided with a single garage and double driveway. The change has allowed for the garden area of plot 20 to be increased slightly.

Plot 20 is a four bedroom property and therefore should be provided with 3 no. off street parking spaces, which including the single garage is still provided on site as the driveway is wide enough to allow 2 no. cars to be parked side by side.



The changes to the garage design do not adversely impact upon the streetscene or the amenity of the adjoining / adjacent residents and are therefore considered to be acceptable.

### 5.2.3 Relocation of bin collection point adj plot 22 garage

Bin collection for plots 20, 32, 33, 34 and 35 was originally shown to be positioned adjacent to plot 20 (see 5.2.1 above W01 Rev F) however this has now been amended to be located on the opposite side of the highway to side / rear of the garage of plot 22 (see 5.2.1 above W01 Rev J).

Having regard this proposed change the amendment is not considered to have any adverse impacts upon the streetscene or neighbouring amenity. All plots have space to store their own bins and this collection points are only intended to be in use on waste collection day. The changes therefore are considered to be acceptable.

## 5.3 Highways Issues

5.3.1 The Local Highways Authority (LHA) commented on the application proposals raising no objections to the relocation of the bin store; but recommended that all links to Brickyard Walk are retained (although they acknowledged that removal of the one adjacent to Plot 20 was unlikely to be a sustainable reason for refusal).

## 6.0 REPRESENTATIONS

6.1 The application has been publicised on the Council's public access website and by site notice posted on 03/04/2019 with the applications publicity period running for a period of 21 days. Any representations received during this period but not reported below will be read out to the Planning Committee on the meeting to be held on 23/04/2019.

6.2 As a result of the applications publicity there have been 4 no. representations received as follows:

**2 Hunters Walk**

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Residential Amenity

Comment: This will improve safety and security for adjacent worried residents.

**18 Hunters Walk**

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Residential Amenity

Comment: Support this application to increase security for residents

**18 Hunters Walk**

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Noise

- Residential Amenity

Comment: Noise reduction and security of residence.

**11 Hunters Walk**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Residential Amenity

Comment: footpath in question is convenient for trips into town and safer for walking with pram and toddler.

6.3 ***Officer Response: Noted; and alterative link provision is still available between plots 20 and 32.***

## 7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 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
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.
- 7.4 Whilst, in the opinion of the objector, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

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

- 8.1 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 paragraph 38 of the National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development does not conflict with the NPPF or 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 used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

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

9.0 **RECOMMENDATION**

9.1 It is therefore recommended that the application is approved and conditions 2 and 11 are amended/agreed as follows:

02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.

C00 REV A - SITE LOCATION PLAN

**W01 REV J - SITE LAYOUT PLAN**

C02 REV C - SITE LAYOUT PLAN

C03 REV A - PLOTS 1 AND 26 PETWORTH

C04 REV A - PLOTS 2, 5, 6, 12 AND 24 - ROSDENE

C05 REV A - PLOTS 3 AND 17 PETWORTH

C06 REV B - PLOT 4 LINDISFARNE

C07 REV B - PLOTS 7 AND 15 LINDISFARNE

W09 REV F AND P03 - PLOTS 8 – 11, 19 and 21

CLAREMONT (FLATS)

C09 REV B - PLOT 14 - BUCKINGHAM

C10 REV A - PLOT 16 - WYCOMBE

P02 – PLOTS 18 AND 20 - HADDON

C12 REV B - PLOTS 22 AND 23 - HARDWICK

C13 REV B - PLOTS 25 AND 31 - WESTBURY

C14 REV B - PLOT 28 - KINGSTON

C15 REV B - PLOTS 29 AND 30 - THORNTON

C16 REV A - PLOTS 31, 32 33 AND 34 - AFFORDABLE

C18 - PLOT 27 - ROSEDENE

C22 REV B - GARAGES

C23 - GARAGE G7

C20 REV A - BOUNDARY TREATMENTS PLAN

C21 - BOUNDARY TREATMENTS DETAILS

SOFT LANDSCAPE PROPOSALS (1) L9008\_03 REV F

SOFT LANDSCAPE PROPOSALS (2) L9008\_04 REV F

SOFT LANDSCAPE PROPOSALS (3) L9008\_05 REV E

SOFT LANDSCAPE PROPOSALS (4) L9008\_06 REV B

40337/001 REV A - EXPLORATORY HOLE LOCATION PLAN

40337/012 REV B - EXTERNAL WORKS  
40337/013 REV F - PLOT DRAINAGE  
40337/014 REV C - LONGITUDINAL SECTIONS (SHEET 1 OF 2)  
40337/015 REV A - LONGITUDINAL SECTIONS (SHEET 2 OF 2)  
40337/016 REV A - MANHOLE SCHEDULES  
40337/018 REV A - S104 (DRAINAGE) LAYOUT  
40337/019 REV A - S102 (DRAINAGE) LAYOUT  
40337/020 REV A - FOUNDATION SCHEDULE PLAN 1 OF 2  
40337/021 REV A - FOUNDATION SCHEDULE PLAN 2 OF 2  
40337/022 REV A - FOUNDATION SCHEDULE TABLE  
40337/023 REV A - FLOOD ROUTING PLAN  
40337/024 REV A - DRAINAGE DETAILS SHEET 1 OF 2  
40337/026 REV A - DRAINAGE DETAILS SHEET 2 OF 2  
40337/035 REV B - S278 WORKS SPENCER STREET  
40337-/036 REV E - S278 WORKS SALTERGATE  
40337/038 REV C - HIGHWAYS LAYOUT AND SETTING OUT - 1 OF 2  
40337/039 REV C - HIGHWAYS LAYOUT AND SETTING OUT - 2 OF 2  
40337 ATR1 REV A - VEHICLE TRACKING DIAGRAM  
40337/044 REV A - PRIVATE CATCHPIT DETAIL  
SA1 INC. STORAGE 100YR+ CC  
SA2 INC. STORAGE 100YR+ CC  
SA3 INC. STORAGE 100YR + CC  
40337/002 - REPORT ON ADDITIONAL INVESTIGATION  
08321 SITE DRAWING AND WINCAN V8 (SEWER SURVEY)  
C17 REV D - FRONT BOUNDARY WALL RE-ALIGNMENT  
C19 - SITE MANAGEMENT PLAN  
W27 REV B - SITE COMPOUND  
CONSTRUCTION METHOD STATEMENT REV A -14TH JUNE 2017 (AS AMENDED TO EXCLUDE CONSTRUCTION TRAFFIC TO SPENCER STREET - 04/08/2017)  
LTP/19 - SECTION THROUGH ROAD AND T19 & T26  
'NO DIG' CONSTRUCTION METHOD STATEMENT - 14TH JUNE 2017  
DEMOLITION AND CONSTRUCTION OF RETAINING WALL METHOD STATEMENT - 4TH JULY 2017

MMA14548/001 R2 – STREET LIGHTING DESIGN  
OUTDOOR LIGHTING REPORT AND P852 SPEC  
DESIGN AND ACCESS STATEMENT (UPDATED  
09/06/2017)  
PLANNING STATEMENT  
HERITAGE STATEMENT  
ECOLOGICAL APPRAISAL  
TRANSPORT STATEMENT  
STATEMENT OF COMMUNITY INVOLVEMENT  
COAL MINING RISK ASSESSMENT  
PHASE I ENVIRONMENTAL REVIEW AND PHASE II SITE  
INVESTIGATION REPORT  
FLOOD RISK ASSESSMENT  
ECUS TREE SURVEY, ARBORICULTURAL IMPACT  
ASSESSMENT AND ARBORICULTURAL METHOD  
STATEMENT DATED JULY 2017  
ECUS JAPANESE KNOTWEED SURVEY DATED 24TH  
APRIL 2017  
VIABILITY APPRAISAL REV A - CONFIDENTIAL  
(UPDATED 05/07/2017)  
PLOT MATERIALS SCHEDULE AND SITE PLAN WITH  
BRICK CHOICES - 20/07/2017

*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.*

11. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

*Reason – In the interests of highway safety.*

***The wording to condition 11 will not change; however the amended bin collection details shall be subsequently approved under the provisions of the above condition and DOC application CHE/18/00644/DOC.***

01. 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.
  
02. This permission is granted further to an earlier grant of planning permission (CHE/17/00263/FUL, CHE/18/00124/REM1, CHE/18/00189/REM1 and CHE/18/00283/REM1) inc. additional conditions and a S106 legal agreement to which any developer should also refer.