

Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 1st July 2019

File No: CHE/19/00237/REM1
Plot No: 2/1032

ITEM 2

PROPOSED – VARIATION OF CONDITION 2 (SUBSTITUTION OF APPROVED DRAWINGS) AND 3 (SALTERGATE ACCESS) 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

Local Highways Authority (DCC)	Comments received 02/05/2019 – see report / no objections
CBC Tree Officer	Comments received 21/05/2019 – see report
Ward Members	No comments received
Site Notice / Neighbours	Two 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/19/00091/REM1 - Variation of condition 2 (substitution of approved drawings) and 11 (relocation of bin collection point) of CHE/17/00263/FUL.
Conditional permission granted 24/04/2019.
- 3.2 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
- 3.3 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.
- 3.4 CHE/18/00189/REM1 - Variation of condition 5 (S278 / S38 Works) of CHE/17/00263/FUL. Conditional permission granted 08/05/2018.
- 3.5 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.
- 3.6 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.
- 3.7 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 and 3 of planning permission CHE/17/00263/FUL (and any subsequent approved amendments thereof) to:
- use of white lining to define incoming traffic priority no stopping zone in place of red tarmac;
 - use of permeable tarmac in place of seeded concrete grid to parking bays opposite Plot 31;
 - road in front of Plots 6-7 finished in permeable tarmac; and
 - parking bays 8-11 and 19, 21 finished in permeable tarmac.
- 4.2 The changes described in the amendments listed above require the substitution of the following drawings:
- C01E Site Layout Plan (approved under CHE/17/00263/FUL) / W01J Site Layout Plan (approved under CHE/19/00091/REM1) with W01K Site Layout Plan: and
 - C02C (approved under CHE/17/00263/FUL) with W02B Site Layout Plan.
- 4.3 As set out in the submission the changes being sought will require amendments to the wording on the planning permission conditions as approved; and therefore the wording of conditions 2 and 3 (as currently approved) as set out below:

Condition 2 (as last amended under app. CHE/19/00091/REM1):

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
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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
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MMA14548/001 R2 – STREET LIGHTING DESIGN
OUTDOOR LIGHTING REPORT AND P852 SPEC
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PHASE I ENVIRONMENTAL REVIEW AND PHASE II SITE
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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.

Condition 3 (as approved under app. CHE/17/00263/FUL):

03. Prior to the occupation of the first dwelling the access with Saltergate shall be modified in accordance with the details contained on Drawing No. 40337/036 REV E – S278 WORKS SALTERGATE (unless any further revisions required under the S278 Agreement are jointly agreed in writing by the Local Planning Authority and Local Highways Authority). The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object above ground level.

Reason – In the interests of highway safety.

5.0 **CONSIDERATIONS**

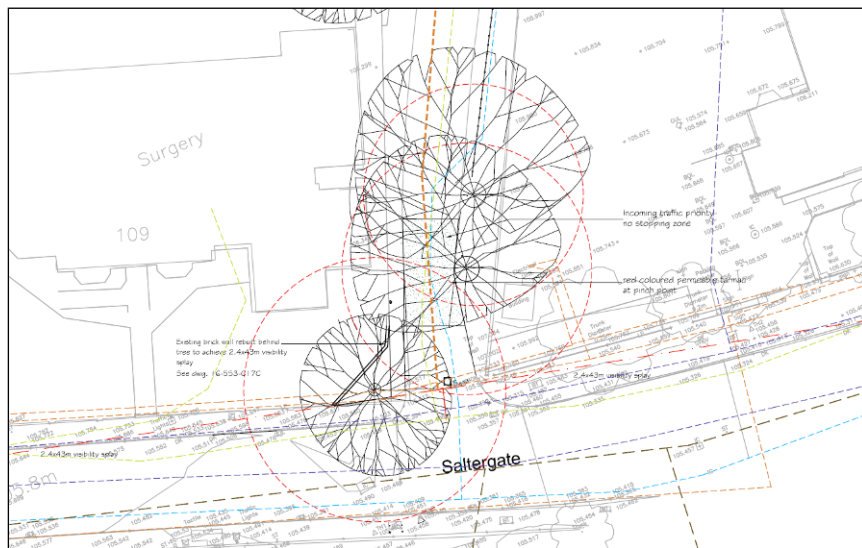
5.1 **Planning Policy / Principle of Development**

- 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)

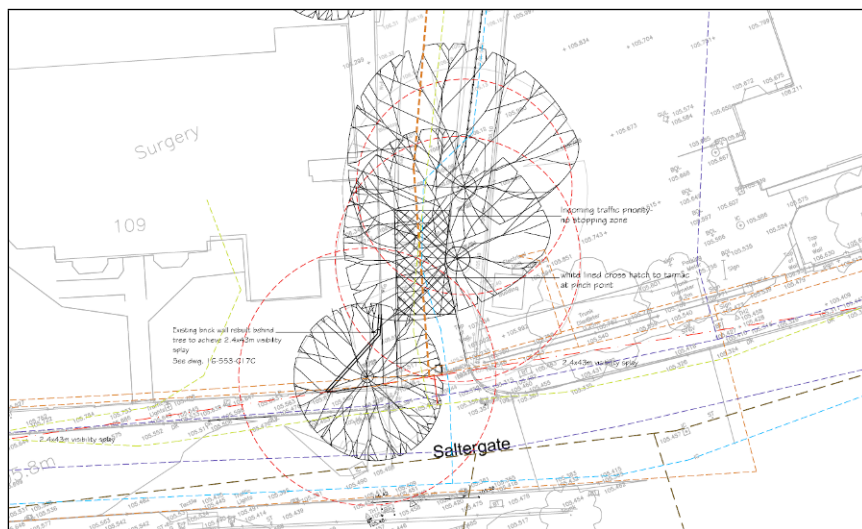
5.2.1 USE OF WHITE LINING TO DEFINE INCOMING TRAFFIC PRIORITY NO STOPPING ZONE IN PLACE OF RED TARMAC

As approved the layout of the junction of Hunters Walk to Saltergate included an area of red tarmac which was to be defined as an incoming traffic priority / no stopping zone.



C02 Rev C

As proposed the red tarmac is substituted for white lining, but in all other respects the layout and scale of the area remains the same.



W02 Rev B

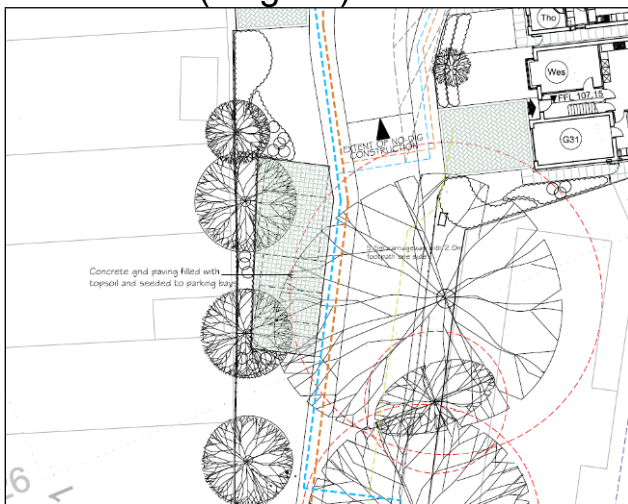
The substitute of the red tarmac for an area of white lining will not affect the purpose or function of the area it defines. Although the change proposed dilutes the palette of surface finishes to the

development which some new residents are opposed to (see representations below) there is no reasoned planning argument to suggest the alteration is not acceptable. The changes sought however only affect the private driveway (Hunters Walk) and not the adopted highway (Saltergate) and therefore whilst the applicant has sought to amend condition 3 (which concerns the S278 agreement works to Saltergate and the access) in connection with these changes, it is not necessary to change condition 3.

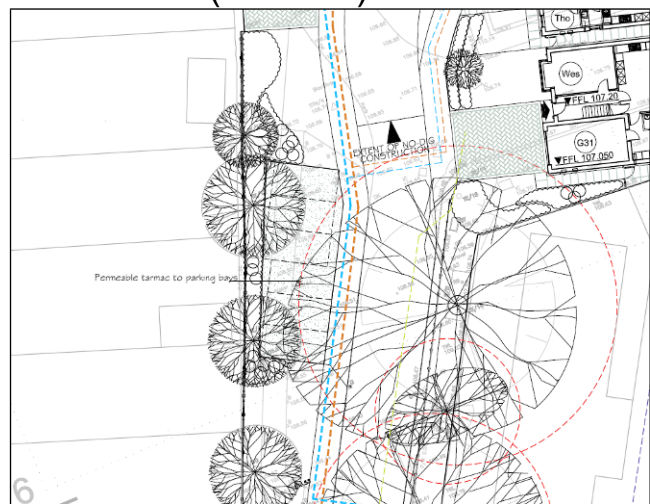
5.2.2 USE OF PERMEABLE TARMAC IN PLACE OF SEEDED CONCRETE GRID TO PARKING BAYS OPPOSITE PLOT 31

As approved the parking bays opposite plot 31 were to be finished in a concrete grid system (in the RPA of the protected trees) but this was amended to a cellular grid and permeable tarmac finish. These changes (which were undertaken in consultation with the Council's Tree Officer) are acceptable.

C01 Rev C (Original)



W02 Rev B (Revised)

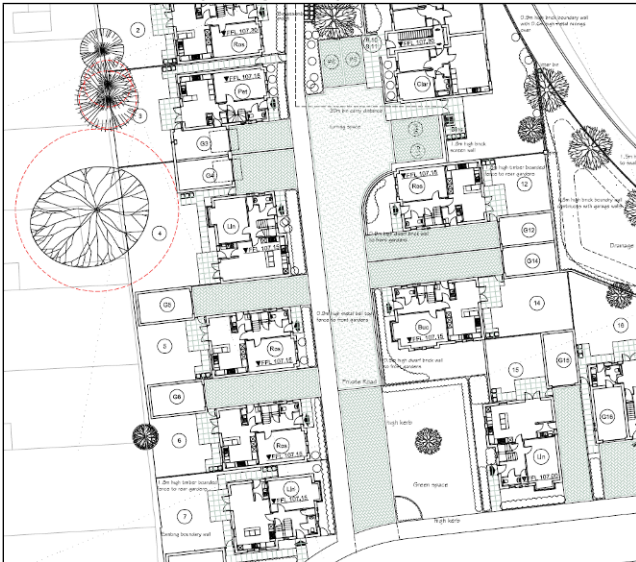


5.2.3 ROAD IN FRONT OF PLOTS 6-7 FINISHED IN PERMEABLE TARMAC; AND PARKING BAYS 8-11 AND 19, 21 FINISHED IN PERMEABLE TARMAC

As originally approved the site layout plan (C01 Rev E) included an area of block paving as the surface to the roadway in advance of plots 6 and 7; and as the surface of the parking spaces to the flats located at the end of the turning head / driveway. As proposed the block paving has been substituted for a permeable tarmac surface instead.

The substitute of the materials finished to the driveway and the parking bays will not affect the purpose or function of the area defined. Although the change proposed dilutes the palette of surface finishes to the development which some new residents are opposed to (see representations below) there is no reasoned planning argument to suggest the alterations are not acceptable.

C01 Rev E (Original)



W01 Rev K (Revised)



5.3 Trees

5.3.1 Having regard to the changes sought to the site layout as a result of this particular application, the parking bays located opposite plot 31 are located within the root protection area of trees within the site that are protected by tree preservation order (TPO).

5.3.2 The Council Tree Officer (TO) was consulted on the application proposals and made the following comments:

There are no objections to the change in the finished surfacing to the car parking bays adjacent to plot 31 at Hunters Walk, Saltergate. The bays were constructed using a cellular confinement system which was inspected before the final surface was added and the use of permeable tarmac will not be detrimental to the protected trees long term health.

5.3.3 Having regard to the changes sought and the comments of the TO above it is considered that the alterations are acceptable having regard to the provisions of policy CS9 of the Core Strategy and wider NPPF.

5.4 **Highways Issues**

5.4.1 The **Local Highways Authority** (LHA) commented on the application proposals raising no objections to the changes sought as they do not have any impacts upon the adopted highway network.

5.4.2 Hunters Walk is not an adopted highway, it is a private driveway; and therefore the alterations to the surfacing / finish of the road and parking bays the subject of this application do not give rise to any public highway related concerns. The use of permeable tarmac and white lining instead of red tarmac and block paving do not affect the function of the parking bays or the highway surface and are therefore acceptable having regard to the provisions of policies CS2, CS18 and CS20 of the Core Strategy.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 09/05/2019.

6.2 As a result of the applications publicity there have been 2 no. representations received as follows:

6 Hunters Walk (x2)

Stance: Customer objects to the Planning Application

Comment Reasons:

- Residential Amenity

Comment: Object to all substitutions from block paving to less attractive tarmac. Keep red tarmac why change?

6.3 ***Officer response: See section 5.2 and 5.4 above.***

7.0 **HUMAN RIGHTS ACT 1998**

7.1 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

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 3 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 K - SITE LAYOUT PLAN

W02 REV B - 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)

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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

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SOFT LANDSCAPE PROPOSALS (2) L9008_04 REV F

SOFT LANDSCAPE PROPOSALS (3) L9008_05 REV E

SOFT LANDSCAPE PROPOSALS (4) L9008_06 REV B

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40337/012 REV B - EXTERNAL WORKS

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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.

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Reason – In the interests of highway safety.

9.2

Notes

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,

CHE/18/00283/REM1 and CHE/19/00091/REM1) inc.
additional conditions and a S106 legal agreement to which
any developer should also refer.