

Our ref: 22.114 CBC 12-2-25

12<sup>th</sup> February 2025

*by email only*

Richard Fidler  
Principal Planner  
Directorate of Economic Growth  
Development Management  
Chesterfield Borough Council  
Town Hall  
Rose Hill  
Chesterfield  
S40 1LP

Dear Mr. Fidler,

**PLANNING APPLICATION REF. CHE/24/00658/FUL - CHANGE OF USE FROM HEALTH CENTRE TO RESIDENTIAL ASSESSMENT CENTRE AND CHILDREN'S HOME INCLUDING ALTERATIONS TO ROOF, INSTALLATION OF DORMERS, SINGLE STOREY REAR EXTENSION AND OTHER ALTERATIONS - 82 ST. PHILIP'S DRIVE, HASLAND, CHESTERFIELD – AMENDED PLANS AND FURTHER INFORMATION**

### **Overview**

Following deferral of this application at the meeting of Planning Committee on 3<sup>rd</sup> February 2025, the applicant has given further consideration to issues raised both at the meeting of the Planning Committee and within representations. Consequently, on behalf of the applicant we hereby present amended plans, further information and additional commentary. We hope these plans and information, taken together with details previously submitted, provide all necessary clarification and additional reassurance such that the support of officers can be reinforced and members of Planning Committee will be able to agree with and support their officer's positive recommendation at their forthcoming meeting.

### **Amended and Additional Plans and Information**

For consideration in support of the application, the following amended and additional plans and information are submitted:

- Proposed Ground Floor Plan P011 Rev D (pdf filename 'KEMP - ST PHILIPS DRIVE - P011D - PROPOSED GROUND FLOOR PLAN - 10<sup>th</sup> FEB 25 - A1') – supersedes Rev C

### **Planning and Design Group**

Midlands Office: Pure Offices Lake View Drive Sherwood Park Nottingham NG15 0DT tel [REDACTED]

London Office: 5 St John's Lane London EC1M 4BH tel 020 7549 2858

Oxford Office: Bee House 140 Eastern Avenue Milton Park Oxfordshire OX14 4SB tel [REDACTED]

Planning and Design Group is the trading name of Planning and Design Group (UK) Limited, Unit 1, Poplars Court, Nottingham, England, NG7 2RR  
Registered in England No 8329904 VAT No 155486191

Proposed Elevations Sheet 1 P014 Rev B (pdf filename 'KEMP - ST PHILIPS DRIVE - P014B - PROPOSED ELEVATIONS SHEET 1 - 10<sup>th</sup> FEB 25 - A1') - supersedes Rev A

Proposed Elevations Sheet 1 P015 Rev D (pdf filename 'KEMP - ST PHILIPS DRIVE - P015D - PROPOSED ELEVATIONS SHEET 2 - 11<sup>th</sup> FEB 25 - A1') - supersedes Rev B

Proposed Landscape Plan P16 Rev G (pdf filename 'KEMP - ST PHILIPS DRIVE - P016G - PROPOSED LANDSCAPE PLAN - 12<sup>th</sup> FEB 25 - A3') - supersedes Rev E

Constraints Plan P17 Rev F (pdf filename 'KEMP - ST PHILIPS DRIVE - P017F - PROPOSED CONSTRAINTS PLAN - 12<sup>th</sup> FEB 25 - A3') - supersedes Rev D

Vehicle Tracking Near-Side Spaces P18 Rev D (pdf filename 'KEMP - ST PHILIPS DRIVE - P018D - PROPOSED TRACKING PLAN NEAR SIDE - 12<sup>th</sup> FEB 25 - A3') - supersedes Rev B

Vehicle Tracking Car park end spaces P19 Rev D (pdf filename 'KEMP - ST PHILIPS DRIVE - P019D - PROPOSED TRACKING PLAN END SIDE - 12<sup>th</sup> FEB 25 - A3') - supersedes Rev B

Vehicle Tracking New front space P20 (pdf filename 'KEMP - ST PHILIPS DRIVE - P020 - PROPOSED TRACKING PLAN NEW FRONT - 12<sup>th</sup> FEB 25 - A3') – new plan

Daylight Assessment Section P21 (pdf filename 'KEMP - ST PHILIPS DRIVE - P021 - DAYLIGHT ASSESSMENT - 10<sup>th</sup> Feb 25 - A3') - new plan

Landscape plan Showing Roof Layout P22 (pdf filename 'KEMP - ST PHILIPS DRIVE - P022 - PROPOSED LANDSCAPE ROOF PLAN - 12<sup>th</sup> FEB 25 - A3') – new plan

Letter from TH Residential 12<sup>th</sup> February 2025 (pdf filename 'TH Residential Service Operator Introduction - Expanded 12-2-25') - supplements Letter from TH Residential 17<sup>th</sup> October 2024)

4 Swanbourne Close - Photo Sheet (pdf filename '22.114 4 Swanbourne Close - Photo Sheet 11-2-25') – new document

Outdoor Amenity Space Unit 1 12-2-25 (pdf filename same) – supersedes ‘Unit 1 amenity space’ submitted 28<sup>th</sup> January 2025

Outdoor Amenity Space Unit 2 12-2-25 (pdf filename same) – supersedes ‘Unit 2 amenity space’ submitted 28<sup>th</sup> January 2025

## **Amendments to Proposal**

The design of the proposal has been amended thus:

### ***Main entrance door to Unit 1 (Residential Assessment Centre) relocated***

The main entrance door has been relocated to the front elevation, replacing the previous proposal to retain and reuse the existing door on the side elevation. Concerns were expressed as to potential conflict between pedestrians exiting the door and vehicles using the parking area. This will now be avoided. A step-free, gently ramped access will be provided to the front door. The new doorway and full height glazing detailing on either side will be well proportioned to, and in-keeping with, the design and appearance of the building. The existing doorway will be bricked up. Internally, the layout is adjusted to suit, with no detriment to the function of the Residential Assessment Centre.

### ***Parking layout off St. Philip’s Drive revised***

Six parking spaces continue to be provided. The northernmost space has been relocated to the front of the property, adjacent to the relocated front doorway, but separated from it by landscaping (the ramped access to the front door will also be at a slightly elevated level).

The parking bay adjacent to the relocated front doorway and the northernmost (end) parking space are wider than a standard bay, providing for greater flexibility of manoeuvring. Relocation of the one parking bay allows the garden/amenity area to be increased in size (see below).

The enclosed tracking plans confirm that it would be possible to safely manoeuvre in and out of each and all of the parking spaces.

The revised parking layout would maintain adequate visibility from the parking area onto St. Philip’s Drive, including pedestrian-driver intervisibility.

### ***Garden area to Unit 1 (Residential Assessment Centre) enlarged***

Consequent to the adjustment to the parking layout, the fence separating the parking area from the garden has been relocated, thereby increasing the size of the garden area to 111m<sup>2</sup>. The garden area now offers both a larger patio area and grassed area. This responds to concerns as to the size of the garden area.

## National Planning Policy Framework

The Officer's Report presented to Planning Committee on 3<sup>rd</sup> February 2025 was thorough. There was, however, no specific acknowledgment of Section 5 of the National Planning Policy Framework, which relates to 'delivering a sufficient supply of homes'. Paragraph 63 of the revised (December 2024) NPPF now specifically references the need to meet the housing needs of 'looked after children'.

This proposal has not been prepared on a speculative basis. The applicant has, working with TH Residential, identified an unmet need for residential accommodation for 'looked after children'.

The NPPF is clear that on the matter of meeting housing need, the need to consider and provide for 'looked after children' is a material consideration and in the context of this application weighs in favour of the proposal.

## Successful Places Design Guidance

The report and addendum report presented to Planning Committee on 3<sup>rd</sup> February 2025 makes clear the status of the Successful Places Supplementary Planning Document as guidance. Indeed, it is subtitled 'A Guide to Sustainable Housing Layout and Design'. It is not planning policy but rather serves to assist in the interpretation and application of the Local Plan. To that effect, the document should be read as a whole and applied having regard to the context of the application site.

Attention has been drawn to the guidance set out within the document regarding the proximity of one building to another and potential impacts in terms of light levels entering a neighbouring building. The diagram on page 77 of the document which seeks to illustrate the application of the '25 degree rule' is clear that it applies to '*New Build in front of a main window to a principal room*', continuing that '*Generally a building should not be situated in front of a main window to a habitable room if it higher than the 25° line drawn from the centre of the affected window*' (emphasis added).

The relationship of this proposal does not fall within the impact parameters set out in the above diagram. Firstly, the side-facing window of the property to the north (4 Swanbourne Close) is not a 'main window' but is rather a 'secondary window'. The 'main window' is the patio-type door that forms part of the rear elevation. This remains the case notwithstanding that the property has been extended by way of the addition of a conservatory. The enclosed Photo Sheet shows the lounge served by the referenced side-facing window and how light continues to enter through the conservatory.

Secondly, even if that guidance is applied to this proposal, the extent of potential non-compliance is very minor. This is demonstrated by the enclosed 'Daylight Assessment Section' plan, which shows only the very top of the north-facing gable intersected by the

'25o line'. In considering such impact regard must also be had to the offset of the gable from the side-facing window (as shown on the enclosed 'Landscape plan Showing Roof Layout').

The ridgeline of the section of roof running east-west (parallel to St. Philip's Drive) falls below the '25° line'.

The Addendum Report presented to Planning Committee on 3<sup>rd</sup> February 2025 acknowledged that previous commentary on this matter on behalf of the applicant made '*valid points*' and concluded that '*the proposal would not be over dominant or result in overshadowing to such an extent as to merit refusal*'.

Attention has also been drawn to the guidance provided within the Successful Places Supplementary Planning Document regarding amenity space. The Addendum Report presented to Planning Committee on 3<sup>rd</sup> February 2025 makes clear that '*The amenity spaces in the SPD are guidance rather than policy, but Policy CLP14 is relevant in setting out that development should provide an acceptable level of amenity*'. The conclusion reached on this matter in terms of the level of provision was one of support.

The Successful Places SPD (page 78) states that '*All schemes should provide a level of outdoor amenity space that is proportionate to the type of accommodation, appropriate to its location and suitable to meet the occupiers likely requirements*'. The SPD is guidance; it is not policy nor a code. It states (section 3.11.16, page 78) that '*Dwellings should be provided with enough private outdoor space to meet the likely needs of the occupants. Family houses are likely to require larger gardens, preferably in the range of 70-100 sqm, but not normally less than 50 sqm*'. The Assessment Centre, whilst it will provide a home-style environment, is by its nature intended to provide relatively short term accommodation. The Children's Home will provide longer stay accommodation.

The minimum outdoor amenity space requirements set out in the Council's Successful Places SPD is guidance only. It is not a policy requirement, nor are there any amenity space requirements set out in any Local Plan policy. It is, however, correct that regard should be given to the SPD's guidance.

The design and operation of both units makes a comparison to residential dwelling levels of provision most appropriate. As amended, the garden area for the Residential Assessment Centre would be 111m<sup>2</sup>, and 86.4m<sup>2</sup> for the Children's Home, as shown on the enclosed screenshot plans taken from the architect's design model.

The extent of amenity space for Unit 1/the Residential Assessment Centre exceeds (by around 23%) the minimum suggested by the Successful Places SPD for a 4+ bedroom dwelling (as set out in Table 4 (page 78)).



Unit 2/the Children's Home has a nominal deficit in amenity space when compared with the suggested area for a '4+ bed house' (86.4m<sup>2</sup> vs 90m<sup>2</sup>), however regard must also be given the shape and form of the amenity space and those who would be using it. The layout provides a large useable area of lawn, alongside paved area. The children will be cared for by staff. It is expected that staff will support the children's ability to also make use of other amenity spaces, such as parks, in the area, as would any other parents with children.

### **Key Issues**

Having particular regard to those matters highlighted within the Addendum Report and raised at Planning Committee, commentary is offered below on what are considered to be key issues, to be read alongside details previously submitted.

#### ***Future Residents – The Children***

Attention is drawn to the enclosed letter dated 12<sup>th</sup> February 2025 from Matilda Howarth, Director of TH Residential Service. This sets out further details of the children who would be accommodated in both the Residential Assessment Centre and Children's Home and how the properties would be managed and operated.

It is clear from those details that all reasonable reassurance has been provided that the children and the operation of both the Residential Assessment Centre and Children's Home would in no way be prejudicial to the amenity of nearby residential properties.

#### ***Access***

The Local Highways Authority has previously confirmed the adequacy of the means of access to both car parks. The accesses have not changed. The adjustment to the car park accessed from St. Philip's Drive is not prejudicial to the safe or convenient use of the access or car park.

#### ***Parking***

Details previously provided and restated in the enclosed letter from TH Residential Service confirm the adequacy of the on-site parking provision. Within the aforementioned letter, attention is drawn to the limited number of additional professional consultants who might visit the property during the day time and the expected general absence of visits by family members.

#### ***Deliveries***

Attention is drawn to the enclosed letter from TH Residential Service which sets out, amongst other matters, expectations of limited deliveries to the site. Just like any domestic property, the Assessment Centre or Children's Home may receive deliveries. There will,

however, be no regular large-scale commercial deliveries. Laundry will be undertaken on site. Staff duties will include grocery shopping and cleaning. Subject to alignment with the child's needs, a child resident in the Children's Home might well, therefore, accompany a staff member to the supermarket. Refuse collection will be undertaken by the Council, the same as adjacent houses. The number and type of deliveries are therefore expected to be little different to a typical residential dwelling.

### ***Visitors***

Attention is drawn to the enclosed letter from TH Residential Service which sets out why, due to the nature of the proposed uses, the number of visitors to the properties will be low. For the Assessment Centre, this is because the staff members undertake the bulk of the assessment tasks. For the Children's Home, it is because the staff meet the daily needs of the children. It is rare for close family members or other relatives to visit an Assessment Centre. Where family contact is appropriate, this is typically undertaken away from the site. Family visits for children in the Children's Home are also almost always undertaken away from the property.

There may be a need for the occasional visit by an representative of an external agency or a health care specialist to either property during the day time (never during shift change). This can include, for example, social services in the latter part of the assessment, when future placements are being agreed.

Consequently, the demand for parking from visitors will be limited and infrequent, and capable of being accommodated within the site.

### ***Amenity Space***

As referenced above, the extent of garden space provided exceeds or is closely aligned with the levels of provision suggested within the Successful Places SPD. Critically, the garden areas will be suitable for use by the children and the staff who care for them, providing hard and soft landscaped areas (patio and lawn). The relationship of the garden space to adjacent residential properties is appropriate, being in-keeping with the residential character of the area.

### ***Impact on Nearby Property/ies – Overlooking***

As per the conclusions previously reached within the Officer's Report, there would be no unacceptable impact on existing residential amenity by way of overlooking.

### ***Impact on Nearby Property/ies – Overshadowing***

As referenced above, there would be no unacceptable impact on existing residential amenity by way of overshadowing. The '25° line' guidance referenced within the Successful Places

SPD to which attention has been drawn is not applicable in the context of this development proposal but in any case, as shown by the enclosed Daylight Assessment Section, interpreted with reference to the enclosed Landscape Plan Showing Roof Layout plan, there would be no unacceptable impact on neighbouring properties.

***Delivery of Statutory Obligations and Meeting Community Needs Through Public-Private Partnership***

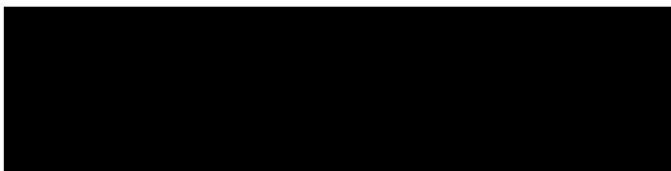
Attention is drawn to the enclosed letter from TH Residential Service which sets out details of how the services that will be delivered by the Residential Assessment Centre and Children's Home will be commissioned by state-funded bodies, help to achieve the delivery of their statutory obligations, and meet community needs.

**Summary**

As was your professional opinion as set out in the Officer's Report and Addendum Report presented to Planning Committee, subject to the imposition of conditions, the planning balance falls in favour of the proposal. All relevant and reasonable issues or matters of concern have been addressed. The proposal aligns with the policies and objectives of the Development Plan, and there are no material considerations that direct that approval should otherwise be withheld.

We look forward to the application being considered at Planning Committee on 24<sup>th</sup> February 2025, with the hopeful expectation that members will agree with your professional recommendation to date.

Yours Sincerely



**David Peck BA(Hons) MRRP MRTPI  
Director**

Enc. Plans and documents as listed in body of letter