

ITEM 1

PROPOSAL: 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

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 has concerns regarding overlooking, use unsuitable for a residential area, does not benefit the community, reverts parking to pre-2007 situation. Parking area shown on the plans does not measure the same as on the ground. Narrow car park will lead to on street parking and insufficient parking provided. Concerns regarding noise, potential anti-social behaviour and very limited outside space for residents.
Local Highways Authority	Concludes there would not be an unacceptable impact on highway safety or a severe impact in congestion. Recommends conditions regarding parking and turning provision and provision of cycle parking, – 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.

Derbyshire Wildlife Trust	Comment that a Preliminary Bat Roost Assessment should be undertaken. Should be confirmed that less than 25sqm of semi-natural habitats would be impacted. The biodiversity value of the proposed landscape plan should be maximised. A small number of bat boxes, bird boxes and bee bricks could be added to the building.
Representations	Objections received from 53 local residents and others -- 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.
- 2.4 The site and site images:



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.
- 3.3 CHE/23/00794/FUL Change of use from health centre to residential assessment centre and children's home including ground and first floor extensions and other alterations. Refused 15.04.2024 for the following reason:

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.

4.0 THE PROPOSAL

4.1 The current application is a resubmission following the refusal in April 2024. The proposed development includes alterations to the roof and the installation of dormers to allow bedroom accommodation to be provided at first floor level. A flat roofed, single storey extension is proposed at the rear to provide additional floorspace, with the existing ground floor projection adjacent to St Philip's Drive to be "squared off". There would also be alterations to the access and car parking arrangements. The majority of the existing parking area would be reconfigured to provide two separate outdoor amenity (garden) areas. Two separate parking areas would also be created with one to the east providing 3 spaces adjacent to Unit 2 and one to the west providing 6 spaces adjacent to Unit 1.

4.2 Following concerns raised that the dimensions of the site differ on the ground to those shown on the submitted plans, amended plans have been received. The applicant's agent states *"the plans have been revised following additional site surveying (topographical survey), which has allowed for improved accuracy. The updated survey data has not impacted the design proposals, in-so-far as the proposed layout, including parking areas, are still able to be provided. The submitted tracking plans confirm the ability to access*

those parking areas. The internal layout of the proposed development is unchanged. The boundary between the two rear outdoor amenity / garden spaces has, however, been adjusted so as to increase the area available to Unit 2 (the proposed children's home). The resulting closer proximity of the shared boundary fence with the proposed assessment centre (Unit 1) would not be detrimental to the function of the latter, with adequate outlook remaining to the proposed office, staff bedroom and meeting room."

4.3 Proposed Landscape Plan



Proposed floor plans:



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

Proposed elevations:



FRONT / SOUTH ELEVATION



SIDE / EAST ELEVATION



REAR / NORTH ELEVATION



SIDE / WEST ELEVATION

Proposed 3D Visualisations





- 4.3 As with the previous application the proposed operator 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. Unit 1 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 required on site is regulated by legislation and licensing. Residential support staff would operate on the basis of 24 hour shifts, with Managers on site during daytime office hours only. The total number of staff on site would increase for a short time during staff hand-over/shift change. Staff hand-over/shift change would be staggered between the two properties.
- 4.5 Property 1 would have the following staffing team:
A manager (shared with Property 2, daytime only), a deputy manager (daytime only), 1 senior support worker and 1 support worker.
Property 2 would have the following staffing team:

A manager (shared with Property 1, daytime only), a deputy manager (daytime only), 1 senior support worker and 1 support worker.

Change over time (shift change) for Property 1 would be 7:30am to 8am. Change over time (shift change) for Property 2 would be 8:15am to 8:45am.

The (shared) manager and two deputy managers would arrive for 9am and leave around 5pm.

The table below summarises which staff would be on-site during the day time and night time.

	Time of Day					
	7.30am to 8am	8am to 8.15am	8.15am to 8.45am	8.45am to 9am	9am to 5pm	5pm to 7.30am
Event	Unit 1 shift change	Unit 1 shift change has ended, Unit 2 shift change has not started	Unit 2 shift change	Unit 2 shift change has ended, Managers not yet arrived	Residential Support Staff on site for both units and daytime Manager and two Deputy Managers on site	Night time staffing level, Manager and two Deputy Managers have departed
Number of Staff on Site for Unit 1	4	2	2	2	4*	2
Number of Staff on Site for Unit 2	2	2	4	2	3	2
Total Number of Staff on Site	6	4	6	4	7	4

* Includes Manager shared between Unit 1 and Unit 2

- 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 Biodiversity Net Gain of 10% is required for developments, as set out in Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021 and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

5.3 **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

5.4 **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

5.5 **Supplementary Planning Documents**

- Successful Places Residential Design Guide

6.0 **CONSIDERATION**

6.1 **Principle of Development**

6.1.1 This is unchanged from the previous application where the Committee report stated “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 proposal would raise the ridge height of the existing building from around 4.4 metres to approximately 7.2 metres with dormers to serve the first floor accommodation plus two secondary first floor bedroom windows to the gable end facing St Philip's Drive and a single first floor window to a staff bedroom in the rear gable end. The other first floor rear windows would serve a further staff bedroom and ensuite bathroom plus 2 windows to the landing area to Unit 1.
- 6.2.4 The proposed flat roof single storey rear extension would project 6.9 metres to the rear of the existing building. The distance to the northern boundary with 4 Swanbourne Close would be 1.5 metres. No windows are proposed in the rear elevation of the single storey extension.
- 6.2.5 The revised proposal is considered to be of a scale that would not be out of keeping with the wider residential context of the site. Whilst it would increase the ridge height of the building into an area characterised by bungalows the design does reflect that of the properties opposite through the use of dormers and as such would not fundamentally change the appearance of the area. The single storey rear extension would have a flat roof, which whilst not ideal, is not an uncommon addition to the rear of properties and would not be readily visible from public vantage points. The design is thus considered to be acceptable and as such would comply 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 additions would include bedrooms at first floor level. There would be two staff bedroom windows plus bathroom window in the north elevation of Unit 2 plus two landing windows to Unit 1 facing 4 Swanbourne Close, one bedroom window in the west elevation and four bedroom windows plus two secondary bedroom windows in the gable end of 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 includes staff bedroom windows which would result in a comparable situation. In terms of the previous application, it was considered this would result in an unacceptable degree of overlooking and loss of privacy for the adjacent dwelling. The applicant's agent has stated in the supporting letter that the staff bedrooms would not be occupied during the day as they would be used to provide overnight accommodation for staff and as such the frequency of any staff members looking out from these windows will be low and the duration limited. The first floor north facing windows of Unit 1 would provide natural light into the landing area and staircase only. Again, the agent states that any outlook from these windows will be fleeting. Objections have been received on the basis of overlooking from these windows, including a concern that the landing area could become a gathering point where the residents would be able to look out over the rear of the adjacent property. It is considered that in order to alleviate these concerns a condition could be imposed requiring the all the first floor windows to the north elevation to be obscure glazed and retained as such.
- 6.3.6 There would be a change from the previous use as a surgery which operated during the day time with regular comings and goings of staff and patients and associated vehicle

movements, to the proposed use, which is very similar to a residential use, with garden areas which would be available to be used by the residents. Some concern has been expressed that this could lead to increased disturbance to local residents and that the proposed amenity areas are not large enough for the number of residents. The rear amenity areas would amount to approximately 75sqm for unit 1 and 97sqm for unit 2, albeit for unit 1 this does include relatively narrow paved areas to the side and rear of the single storey extension. These areas do exceed the minimum single area of private open space for new dwellings recommended in the Successful Places SPD at Table 4 which are 70sqm for a 3 bed house and 90sqm for 4+ bed house. As such it is considered the amount of amenity space for the proposed development is adequate.

6.3.7 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.

6.3.8 Having consideration for the observations above, and the imposition of a condition requiring obscure glazing it is not considered that the proposal would adversely impact on the neighbouring residents in terms of overlooking and loss of privacy, which would merit refusal of the application. The proposal is therefore considered to comply 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 County Highway Authority has commented on the proposed scheme as follows:

Regarding the access onto Swanbourne Close, the applicant has provided the pedestrian visibility splays (recommended by the HA for application CHE/23/00794/FUL) in the submitted drawing P.016C which also secures the vehicle

sight lines (south), moves the access slightly (south), the access is for 3 vehicles only, the proposal reduces the amount of vehicles using Swanbourne Close to access the site, turning has been provided and again I assume vehicles would not be driving at 20mph (heading south) due to the approaching junction St Philips Drive, so the HA is unable to justify a reason for refusal which adheres to NPPF 15 (unacceptable impact on highway safety), or the residual cumulative impacts on the road network would be severe).

Regarding the access onto St Philips Drive (CHE/24/00658/FUL), the applicant has again shown pedestrian visibility splays in the submitted drawing P.016C, which also secures the vehicle sight lines, provides on-site vehicle parking and turning, but it was noted at the site meeting, that the measurement between the fence (No 80) and 82 St Philips Drive may not be correct, so this will require checking.

So based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion, but it should be noted that in order to implement the scheme a separate construction approval process for the amended vehicle access with the HA will need to be progressed – this scrutinises the construction details and will be necessary in order for the HA to enter into a Section 184 Agreement for these works.

The construction of the works will inevitably lead to considerable disruption in the area which will affect several existing dwellings, so a Construction Management Plan (CMP) will therefore be an essential element, to be secured by condition.

Therefore, it is considered that the remaining issues may be addressed by appropriate conditions/informative notes.

- 6.4.4 The response goes on to recommend conditions that on-site space be provided for storage of plant and materials and parking of site operatives vehicles etc during the construction process, the development not be occupied until the access, parking and turning facilities have been provided and provision of cycle parking.
- 6.4.5 The application proposes 3 parking spaces for unit 2 utilising the existing access from Swanbourne Close and 6 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 The applicant's agent has provided further information on the number of staff, and it is now proposed to stagger shift change over times. Given this, it is considered the development as proposed does include adequate car parking facilities. The applicant has been asked to clarify the issue raised by objectors regarding the dimensions of the site and apparent discrepancy between on-site measurements and the submitted plans and as set out above in paragraph 4.2 of this report, amended plans have been received.

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 & Ecology

6.6.1 In 2024 new legislation came into force where Biodiversity Net Gain of 10% is required for developments, as set out in Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021 and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

6.6.2 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs 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 180 requires decisions to enhance the natural and local environment and paragraph 186 sets out the principles for considering impacts on habitats and biodiversity including; “opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate”.

6.6.3 Development that is subject to the de minimis exemption, which includes changes of use, do not have to provide the legislative net gain. The de Minimis exemption is development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows. This exemption applies to this development. In response to queries raised about the declaration of de minimis impact the applicant’s agent has clarified that;

- No area of habitat would be impacted by the proposals.

- The grassed area to the front of the property would be retained.
- The currently gravelled area to the south eastern side of the building is proposed to be removed and vegetated.
- The proposed rear extension would be located on an area of sealed tarmac (current parking area), a habitat type that is exempt from BNG regulations.
- Part of the existing sealed car park area would be removed and replaced with lawn, within the garden areas.
- The scheme would therefore result in an increase in vegetated area.

The applicant would accept a condition requiring a scheme of biodiversity enhancement to be submitted for agreement.

6.3.4 However, in line with the requirements of policy CLP16 which relates to all development, whilst exempt from the legislative requirements a gain is still required under the provision of the Adopted Policy. The submitted proposed Landscape Plan indicates an increase in lawned area, with scope for some additional planting. Derbyshire Wildlife Trust have advised that biodiversity value should be maximised where possible through the inclusion of flowering lawn / clover lawns, native plant species and other flowering and fruiting species. Therefore, it is recommended a condition be imposed requiring an enhancement be installed prior to the occupation of the development. Subject to this condition the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

6.3.5 Derbyshire Wildlife Trust comment that a Preliminary Bat Roost Assessment should be undertaken as works are required to the roof. This would determine if any nocturnal bat surveys are necessary. All necessary bat survey work must be carried out prior to determination. If Members resolve to grant planning permission, this would not be issued until the bat survey work had been completed.

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 would 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.

6.9 Climate Change

6.9.1 The main theme running through the local plan is for development to be sustainable specifically in terms of location, encouraging walking and cycling. For minor development there is no need to provide a sustainability statement in line with Policy CLP20, however where climate mitigation or adaptation measures are proposed these are welcomed.

6.9.2 The proposal does not constitute major development thus the requirement of Local Plan policy CLP20 to provide an energy statement does not apply. In this case there are no climate mitigation or adaptation measures set out in the application and therefore the construction would be under a fabric first approach through the building regulations.

7.0 REPRESENTATIONS

7.1 The application has been publicised by neighbour notification letters and by the posting of 2 site notices. 53 Objections have been received. The points made are 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;
- Proposals do not overcome previous reason for refusal, still much higher than the existing building adjacent to bungalows;
- Not an appropriate use for a residential area, which would not have any community benefit;
- Number of parking spaces proposed is inadequate for the use, given the number of staff proposed;

- Submitted plans are inaccurate as do not reflect on-site measurements, so the 6 parking spaces for unit 1 may not be able to be used or there be sufficient spaces for cars to manoeuvre on site;
- The 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;
- Inadequate outdoor amenity area for the proposed uses;
- Inadequate waste storage facilities;
- 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 and further information has now been received from the applicant in terms of the site dimensions.***

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 2024 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or 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.
- 9.2 The Local Planning Authority have during consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

10.0 CONCLUSION

- 10.1 The proposed development is considered to overcome the previous reason for refusal. Subject to the imposition of conditions to safeguard the amenities of adjacent properties. The planning balance is therefore considered to be in favour of the proposals.

11.0 RECOMMENDATION

- 11.1 It is therefore recommended that subject to the receipt of a bat survey, 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 (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plans/documents (listed below).

P/001 Site Location Plan
P/002 Existing Floor Plan
P/003 Existing Roof
P/004 REV A Existing Elevations
P/011 REV C Proposed Ground Floor Plan

P/012 REV B Proposed First Floor Plan
P/013 REV A Proposed Roof Plan
P/014 REV A Proposed Elevations Sheet 1
P/015 REV B Proposed Elevations Sheet 2
P/016 REV E Proposed Landscape Plan
P/017 REV D Proposed Constraints Plan
P/018 REV B Proposed Tracking Plan Near Side
P/019 REV B Proposed Tracking Plan End Side

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. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan.

4. At the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason: In the interests of safe operation of the adopted highway in the lead into development during the construction phase of the development and policies CLP20 and CLP22 of the Adopted Local Plan.

5. The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawings P016E, P.018B and P.019B.

Reason: To ensure conformity with submitted details in the interest of highway safety and policies CLP20 and CLP22 of the Adopted Local Plan.

6. The development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable and healthy communities in accordance with CLP20 and CLP22 of the Adopted Local Plan.

7. The development hereby approved shall not be occupied until the first floor windows to the north elevation have been fitted with obscure glazing to a minimum of level 4 which shall thereafter be retained.

Reason: In the interests of residential amenity in accordance with policies CLP14 and 20 of the Adopted Local Plan.

8. The development hereby approved shall not be occupied until a scheme of soft landscaping and landscape management plan has been submitted to and approved in writing by the Local Planning Authority. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

Reason- To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with CLP20 and CLP16

9. Prior to installation of external lighting, full details including height, design, location and intensity shall be submitted to and approved in writing by the Local Planning Authority. The lighting installation shall then be implemented in accordance with the approved details.

Reason - To ensure that the development does not appear as an unduly prominent feature in the area and in the interests of residential amenity in accordance with Policy CLP14 of the Chesterfield Local Plan.

10. The development hereby approved shall not be occupied until a scheme for biodiversity and ecological enhancement measures has been submitted to and agreed in writing by the Local Planning Authority. The biodiversity and ecological enhancement measures shall thereafter be retained and maintained throughout the life of the development.

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 the National Planning Policy Framework.

11. The development hereby permitted shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with.

Reason – To protect the water environment in accordance with Policy CLP 13 of the adopted Chesterfield Local Plan and to accord with the National Planning Policy Framework.

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. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says: Constructors should give utmost consideration to their impact on neighbours and the public a. Informing, respecting and showing courtesy to those affected by the work; b. Minimising the impact of deliveries, parking and work on the public highway; c. Contributing to and supporting the local community and economy; and d. Working to create a positive and enduring impression, and promoting the Code. The CMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared

with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

3. The development hereby approved, and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at www.derbyshire.gov.uk/transportroads/roadtraffic/roadworks/roadworks.aspx before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.
4. The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require a footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Derbyshire Highways details can be found at www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicularaccess/vehicle-accessescrossovers-and-dropped-kerbs.aspx or email highways.hub@derbyshire.gov.uk before commencing any works on the highway.
5. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

The Biodiversity Gain Plan Condition Note:

The permission which has been granted is for development which is exempt being:

Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).