

PARISH Langwith

APPLICATION Development of a new single storey medical centre (D1) and associated car parking and landscaping
LOCATION Proposed Medical Centre Main Street Whaley Thorns
APPLICANT Derbyshire Community Health Service Newholme Hospital Baslow Road Bakewell DE45 1AD
APPLICATION NO. 17/00587/FUL **FILE NO.** PP-06514592
CASE OFFICER Mrs Karen Wake (Mon, Tues, Wed)
DATE RECEIVED 10th November 2017

SITE

This application concerns development affecting the existing recreation ground and skate park within Whaley Thorns village. The application site is within the centre of the village where there is a mix of uses. Immediately to the east of the site is a basket ball pitch and the existing medical centre and car park. To the north of the site is the remainder of the recreation ground including the cricket pitch and pavilion. To the south of the site is the welfare institute sports/social club and bowling green. Along the south and west boundaries of the site is a 1.2m high bow top fence and some hedgerow and a row of mature trees.

PROPOSAL

The application is for the construction of a new medical centre. The proposed building is single storey and is constructed in brick with a tiled roof. The proposal is sited partly on the existing recreation ground and partly on the existing skate park. The proposal includes a new vehicular access a 26 space car park with 4 cycle bays to the front of the proposed building. The proposal also includes a 2.4m high V guard security wire mesh fence around the site.

AMENDMENTS

None

HISTORY (if relevant)

05/00389/FUL: Recreational space and surgery safety scheme including fencing, gates, barriers and planting: Approved 10/8/2005

CONSULTATIONS

Parish Council: No comments received

DCC Highways: No objections subject to conditions requiring that before works commence, a new vehicular access and pedestrian access in accordance with the approved plans and provided with 2.4m x 4.3m visibility splays, before the use starts on site, the car park be provided and laid out in accordance with approved plans and be maintained as such thereafter and bin store be provided and retained in accordance with the approved plans:

5/01/2018.

NHS Foundation Trust: Supports the proposal. A new medical centre is much needed as there is currently inadequate provision. The site, layout and design is acceptable as it delivers:

- A state of the art medical centre building, compliant to NHS England standards.
- A larger Building that will enable the delivery of a wider range of services to patients
- Specialist accommodation for the use of health visitors, district nurses, community nurses midwives and therapists.
- A new medical centre at an accessible location within Langwith and Whaley Thorns.

Funding allocation is in place to enable speedy delivery of this community facility

Sport England: Statutory objection

PUBLICITY

Site Notice and 28 neighbours notified. No comments received

POLICY

Bolsover District Local Plan (BDLP)

Policies GEN 1 (Minimum Requirements for Development) GEN 2 (Impact of the Development on the Environment) GEN 8 (Settlement Frameworks) CLT 2 (New Community Facilities) and CLT 6 (Existing Outdoor Playing Space and Amenity Open Space) TRA1 (Location of New Development) TRA 13 (Provision for Cyclists) TRA 15 (Design of Roads and Paths to Serve New Development) and ENV 8 (Development affecting Trees and Hedgerows)

National Planning Policy Framework

Paragraph 14

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking”.

Paragraph 17

A set of core planning principles should underpin both plan-making and decision-taking, including being genuinely plan-led..., always seek to secure high quality design..., contribute to conserving and enhancing the natural environment..., actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.”

Paragraph 74

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by

- equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

Paragraphs 196 & 197

The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This framework is a material consideration in planning decisions” and “In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Emerging Local Plan for Bolsover District (October 2014 onwards)

The Council has commenced work to replace the adopted Bolsover District Local Plan (2000) following adoption of its Local Development Scheme on the 15th October 2014.

The Consultation Draft Local Plan recognises that sport and recreation play an important role in the community, promoting health and wellbeing, social inclusion and community participation. Based on the evidence provided by the Green Space Strategy and its supporting Green Space Quality and Accessibility Report, a hierarchy of green spaces with standards of quantity and quality provision have been established. The plan embeds these within its strategy and policy ITCR5: Green Space and Play Provision. The emerging Local Plan then through policy ITCR6: Protection of Green Space and Sports and Recreation Buildings protects existing green spaces as identified on the policies map, with the Main Street Cricket Ground being one such protected green space.

The Consultation Draft Local Plan represents a significant step towards the emergence of a new Local Plan and sets out the Council’s preferred Vision, spatial strategy, supported allocations and policy framework. However, at this stage the document should be given some weight in its decision taking on planning applications due to its pre-Regulation 19 (Publication) stage. Based on the timetable for the preparation of the Local Plan agreed by Planning Committee at its meeting on the 25th October 2017, at the time of writing the Council is proposing to commence consultation on its Regulation 19 (Publication) in February 2018.

Other

Green Space Strategy (approved in April 2012)

The Green Space Strategy is a material consideration in the determination of applications for planning permission, particularly where green space or sports pitch provision forms part of the decision-taking considerations.

In relation to Whaley Thorns, the Green Space Strategy and its supporting factual information contained in Green Space Audit: Quantity and Accessibility report identify the village as having 8.81 ha of formal green space per 1,000 people, which is the highest provision of formal green space per 1,000 people in the District.

ASSESSMENT

The site is within the settlement framework on a site allocated for open space and recreation.

The main issues for consideration are the sustainability of the location of the new community facility, the loss of recreational facility, the impact on the character and appearance of the building, the impact on residential amenity and the impact on highway safety. Sport England's statutory objection to the proposals is also an important consideration in the determination of the current application.

Sustainability of Location

The site is within the settlement framework in a mixed use area within Whaley Thorns. The site is centrally placed within the village, within walking distance of Whaley Thorns residents and Langwith. The site is also immediately adjacent to a bus stop giving access to residents unable to walk to the site. On this basis the proposal is considered to be in a sustainable location to serve the local community and is considered to meet the requirements of Policy CLT 2 of the Bolsover District Local Plan and the guidance set out in paragraph 14 of the NPPF.

Loss of Existing Recreation Space/Facilities

Policy CLT 6 of the Bolsover District Local Plan states that planning permission will not be granted for other forms of development not directly related to the recreation use of the land on playing fields, recreation grounds, parks and informal open spaces unless it:

- 1) makes provision for replacement open space (whilst retaining the existing facilities until this replacement is available for use); or
- 2) provides a facility of an equivalent community benefit; or
- 3) results in an overall improvement or enhancement of the existing facility for the benefit of the local community.

The emphasis of policy CLT 6 is the protection of green open spaces and the Council has previously resisted proposals for other forms of development on playing fields, recreation grounds, parks and informal open spaces due to this emphasis on protection.

In a small number of cases, the Council has permitted other forms of development where the proposal has met one of the three listed exceptions. Within these, 'facility of an equivalent community benefit' has been judged to mean community facilities such as school buildings or extensions, libraries and further education buildings. Beside these, there have been a handful of cases where the proposal has made provision for replacement open space and this has satisfied the Council that it protects in quantity and / or quality the recreational value of the site.

In relation to the first exception, although the proposal does include the relocation of the skateboard park to another recreation ground (the new site is adjoining the settlement boundary and just outside of Bolsover District), there will still be some loss of protected green space as the relocation alters the facilities on an existing recreation ground rather than creating new green space. The planning statement suggests that it is intended to build the replacement facility first and therefore retains the existing facility for use until the new one is available. On this basis, the proposal is considered to comply with the first exception of policy CLT 6.

It would normally require a condition or legal agreement to secure the retention of the new skate park before any new development starts. However, the policy requires the provision of replacement open space or provides a facility of an equivalent community benefit. Therefore, it is considered appropriate to establish whether the proposal complies with the second exception of policy CLT6 in order to establish whether or not such a condition or agreement is necessary.

The new medical centre proposed is considered to be of significant community benefit. The provision of new medical facilities is a priority to the local community as the existing building is considered inadequate and has little scope for extension or improvement. The proposal will provide a building that is fit for purpose and complies with current NHS standards. The building is over 4 times larger than the existing building and will enable the delivery of a wider range of services to patients as well as providing specialist accommodation for the use of health visitors, district nurses, community nurses midwives and therapists.

The new medical centre is considered to provide an important community benefit that is being supported both in principle and financially by Derbyshire Community Health Services NHS Foundation Trust and NHS Hardwick Clinical Commissioning Group. In light of this support from local health bodies, together with local community support, it is considered that the new medical centre represents a facility of an equivalent or greater community benefit and therefore satisfies the second exception to policy CLT 6.

On this basis it is not considered necessary to require the provision of the replacement skate park before the removal of the existing. Whilst the NPPF takes a slightly stricter line on loss of existing green spaces, it is noted that Sport England has not objected to the proposal on these grounds and therefore the assessment above against policy CLT 6 of the Bolsover District Local Plan is considered to be sound.

Ball Strike Assessment

However, Sport England have made a statutory objection to the proposals because the proposed medical centre would be positioned in close proximity to the cricket pitch and in view of this there is still a concern, shared by both Sport England and the England and Wales Cricket Board (ECB), that there would be potential risk of ball strike which could prejudice the use of the cricket ground unless assessed and satisfactorily mitigated as may be required.

Sport England has consulted again with the ECB in advance of raising their objections and the ECB has commented that there would be some risk potential associated with ball strike, although the building would be located outside the minimum boundary at approximately 47-52 metres away from the wickets (ECB minimum adult boundary is 45.72 metres). The ECB has highlighted that most of the building would be within 80 metres of the wickets which is where the ECB considers risk to persons and property associated with ball strike.

It therefore requests that a ball strike risk assessment is completed to establish any potential mitigation solutions associated with the development. Following liaison with the cricket club, the ECB has further advised that the agent has confirmed such an assessment will be undertaken by Labosport and subject to this being completed and any recommended ball strike mitigation being implemented in the planning proposal, that the ECB would have no

further objection to the scheme.

However, as it currently stands, because the medical centre building would be positioned well within the zone of potential ball strike risk and the extent of this risk and associated mitigation options have not been established, and indeed, no mitigation measures have so far been proposed, then it is not judged that compliance with the above policy requirements has been demonstrated at this time. In the light of this, Sport England wishes to raise a statutory objection to this application, pending the submission of additional information / amended proposals that satisfactorily address the aforementioned points.

In these respects, it is notable that other residential properties and a residential care home are already sited as close or closer to the wickets than the medical centre and this situation has not resulted in complaints are prevented the cricket ground from being used. Furthermore, the distance between the wickets and the proposed building is some 70 metres (at their closest points) so if a player could hit a ball above this distance it would be on the lower part of its downward trajectory. In addition, the rear of the new building faces the wickets so public access to the medical centre and car parking would be protected from ball strikes by the bulk of the proposed building. Realistically, it would therefore only be the rear elevation of the building and the roof slope facing the wickets that could be said to be at any risk of being hit by a cricket ball.

Consequently, officers are satisfied that it is reasonable to consider this issue can be resolved and that the pending submission of a ball strike assessment should be able to address Sports England's concerns by proposing appropriate mitigation measures. However, this is the only remaining concern about these proposals taking into account the sustainability of the proposed location and the justification for the loss of open space, as noted above, and taking into account the following considerations:

Impact on the Character and Appearance of the Street Scene

The site occupies a prominent corner position and provides an opportunity for achieving a new building of high quality design which would enhance the character and appearance of the existing street scene.



However, the proposed building is a single storey brick and tile building which is not necessarily an example of aspirational design that would produce a landmark feature at the gateway to the settlement. Nonetheless, the council had pre-application discussions with the applicant and the original design of the building has been somewhat improved from the original proposal. The result is that the proposed building may not necessarily improve the appearance of the local area but neither is the building considered harmful to the character and appearance of the street scene.

In addition, there are a number of trees around the site boundary but, with the exception of one tree adjacent to the site access, these are proposed to be retained. The materials of construction can be controlled by condition to ensure they are in keeping with the character and appearance of the street scene and subject to such a condition the significant community benefit of the proposal is considered sufficient to offset the more functional qualities of the design of the proposed building.

Impact on Residential Amenity

The site is set away from adjacent dwellings, with the closest dwelling being some 55m away. There is a nursing home to the southwest of the site but this is some 35m away from the edge of the site boundary. The proposal is therefore not considered to result in a loss of daylight, outlook or privacy from adjacent dwellings. The street scene is a mixed use one and the proposal is not considered to result in any significant noise or disturbance for residents of adjacent dwellings over and above the existing situation. The proposal is therefore not considered harmful to the privacy or amenity of residents of adjacent dwellings and is considered to meet the requirements of Policy GEN 2 of the Bolsover District Local Plan.

Impact on Highway Safety

The proposal is located to be accessible to many local residents without the need to travel by car. The proposal also includes the provision of a new access, car park and cycle bays. The access can be provided with adequate visibility splays and sufficient parking and manoeuvring space to adequately serve the proposed development. Subject to conditions requiring provision and retention of the access and parking, the proposal is not considered to be detrimental to highway safety and is considered to meet the requirements of Policies GEN1 and GEN2 of the Bolsover District Local Plan.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No known issues

Equalities: No known issues

Access for Disabled: Covered under Building Regulations

Trees (Preservation and Planting):

SSSI Impacts: N/A

Biodiversity: No known issues

Human Rights: No known issues

Conclusions

In conclusion, it is considered that the current proposals are compatible with Development Plan and fact that the new medical centre will be a much welcomed facility that will enhance service provision within the local area weighs heavily in favour of approval of this application. Therefore, pending the submission of the ball strike appraisal that should result in Sports England being able to withdraw their statutory objection, the current application is recommended for conditional approval.

RECOMMENDATION

Subject to Sport England confirming withdrawal of their statutory objection, the current application is recommended for approval subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. Before construction commences on the erection of any building or wall a schedule of wall and roof materials shall first have been submitted to and approved in writing by the Local Planning Authority.
3. The proposed alterations to the access shall be carried out in accordance with the submitted plans and the new access shall be provided with 2.4m x 43m visibility splays prior to the building hereby permitted being taken into use. Thereafter, the visibility splays shall be maintained free of obstruction to visibility exceeding 1m in height between the existing carriageway edge and the sightlines.
4. On site car parking and cycle racks shall be provided in accordance with the submitted plans prior to the building hereby permitted being taken into use. Thereafter, the parking spaces, cycle racks and associated off-street manoeuvring areas shall be maintained free of obstruction from their designated use.
5. Notwithstanding the details shown on the submitted plans, details of the design and colour of the proposed fence shall be submitted for approval and implemented prior to the building hereby permitted being taken into use.
6. Prior to the building hereby permitted being taken into use, mitigation measures to address identified risks of ball strike (to buildings or the general public) shall be carried out in complete accordance with a scheme first agreed with the Local Planning Authority. Thereafter, the mitigation measures shall be maintained as approved throughout the lifetime of the development hereby permitted.

Statement of Decision Process

The proposal complies with the policies and guidelines adopted by the Council and the decision has been taken in accord with the guidelines of the National Planning Policy Framework.

Site Location Plan

