

Recommendation: Conditional approval	
20191818	1-1A MONSELL DRIVE
Proposal:	DEMOLITION OF EXISTING APARTMENT BUILDINGS (CLASS C3); CONSTRUCTION OF TWO AND THREE STOREY CARE HOME (60 BED) (CLASS C2)
Applicant:	AVERY HOMES LEICESTER LTD
View application and responses	https://planning.leicester.gov.uk/Planning/Display/20191818
Expiry Date:	23 December 2019
ACB	WARD: Aylestone



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Summary

- Application reported to committee at officer’s discretion.
- Issues are the impact on trees, the highway and the design of the proposal.
- 2 objections have been received on the grounds of highway impact and the impact on trees
- Application is recommended for approval.

The Site

The application relates to a site which is on the corner of Lutterworth Road and Monsell Drive which was originally occupied by a two-storey detached house.

The site is located within an area that is largely residential in character.

The site currently has two detached buildings that were constructed as self-contained flats but have never been completed or occupied. Block A is to the east of the site whilst Block B is on the junction with Monsell Drive and Lutterworth Road.

Several of the trees on the application site and the adjacent site at 1 Monsell Drive are protected by a Tree Preservation Order no N4.177.

To the east of the site is a vacant plot which was occupied by a house. There are residential properties to the north, south and west of the site.

Background

In July 2005, permission was granted (20032496) for the erection of two 3-storey apartment blocks comprising 17 2-bedroom flats. This entailed demolition of the house that occupied the site.

In February 2006 planning permission (20051768) was refused for an increased number of flats to 24 on the grounds of increased traffic generation and a loss of character to the area. The scale of the buildings was similar to that previously approved.

An appeal against this decision was subsequently dismissed. The Inspector concluded that the proposed development would have no material effect on highway safety or traffic congestion in the area or on the availability of parking. Neither would it have a material detrimental effect on the character of the area with reference to density. However, the Inspector dismissed the appeal on the grounds that the proposed development was likely to result in future demands for the trees to the front of the development to be removed which would expose the buildings and they would appear stark and conspicuous on the prominent corner of Lutterworth Road and Monsell Drive. This, she concluded, would have a material harmful effect on the character and appearance of the site and the surrounding area.

Planning permission 20032496 has been implemented, with the smaller block facing Monsell Drive being predominantly complete and the external shell of the larger of the two blocks being finished.

In July 2011 planning permission 20110503 was granted for change of use from seventeen self-contained flats to care home (62 bed); two-storey link extension; three storey extensions at front of blocks A and B; two storey and single storey extension at rear of block A. This permission was not implemented and has expired.

In January 2018 planning permission 20162240 was granted for change of use from flats to care home (50 bed and 4 x 2 bed assisted living apartments) (Class C2); construction of three storey extension at front; three storey extension at side and rear; single storey detached bin store; single storey detached cycle store; associated landscaping and car parking. The development has not commenced.

In June 2018 planning permission 20180439 was granted to vary condition 22 of planning permission 20162240 to allow for the removal of the basement, an increase in height of the three storey extension and the removal of the assisted living element to create an additional 10 bedrooms for the care home. This development has not commenced.

In August 2018 consent was granted under application 20181490 for the felling of one of the protected trees.

In March 2019 consent was granted for the felling of another of the protected trees. Details have been submitted and agreed to discharge conditions 2, 3 11,12, 13, 14, 17, 20 and 21 of planning permission 20180439.

The Proposal

The application is for the demolition of the existing buildings and for the construction of a two and three storey building for use as a care home with 60 bedrooms.

The application has been submitted following a structural survey which found that the works required to implement planning permission 20180439 could not be carried out without significant demolition and alteration of the existing building due to its deteriorating state.

The proposed building would be of the same design, height and scale as that approved under application 20180439.

The proposed building would be 12.2m high at its highest point which is the same as the existing highest point of the buildings to be demolished.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

The National Planning Policy Framework (NPPF) 2019 sets out the Government's planning policies for England and how these are expected to be applied.

Paragraph 2 states that applications for planning permission must be determined in accordance with development plans unless material considerations indicate otherwise.

Paragraph 11 states that there will be a presumption in favour of sustainable development.

Paragraph 64 states that major developments should provide 10% of affordable housing unless the application provides specialist accommodation for a group of people with specific needs.

Paragraph 109 states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 states that planning decision should ensure that developments will function well, are visually attractive, are sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site and create places that are safe inclusive and accessible.

Paragraph 165 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Paragraph 170 states that decisions should contribute to and enhance the natural and local environment by minimising impact on and providing net gains for biodiversity and prevent new development from contributing to, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 181 states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones.

Development Plan policies

Development plan policies relevant to this application are listed at the end of this report.

Most relevant Core strategy policies are CS03 and CS06 and Local plan policies are AM11 and PS10

Consultations

Service Director, Environmental Health – No objections relating to land contamination. Some concerns over the positioning of a condensing unit to the rear.

Trees and Woodlands – No objections subject to conditions relating to tree protection whilst work is carried out and works to hard and soft landscaping being in accordance with the submitted details.

Local Highway Authority – No objections subject to conditions.

Better Buildings – Proposal to install CHP unit is the same as previously approved and therefore no objections subject to a condition.

Representations

Two objections from local residents have been received. The grounds of objection are;

- Proposal does not have enough car parking spaces
- No space for delivery to unload within the site

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- Concerns with extra traffic meaning that exit from Monsell Drive to Lutterworth Road will be more difficult.
 - Monsell Drive and Magnolia Close should have residents parking only.
 - There are already four care homes within the area and there is no need for another one.
 - Concerns with the impact on trees.

Councillor Porter has objected to the proposal and states that it will not be in keeping with the character of the area, the massing and the height will look ridiculous and will be totally out of scale. The land rises quite considerably from Lutterworth Road so the proposed development will dominate the street scene and will look like a “hotch potch”. The proposed development is a cramped over development of the site and is poorly designed. The proposed buildings will have a detrimental impact on the amenity of neighbours, will impact on TPO trees and will not be in keeping with the character of the area. Parking problems will increase if the proposed development is approved as there is insufficient off street parking.

University Hospitals of Leicester NHS Trust requested a developer contribution of £14,209.00 towards the costs created by increased pressure on NHS services.

Consideration

Principle of development

The principle of the development has already been established by the grant of planning permissions 20162240 and 20180439.

Design

The proposed building would be the same as approved under application 20180439, with the difference being that the existing buildings would be demolished rather than extended. The materials proposed are red brick with a cream render and cream UPVC for the doors and windows. The details of these have previously been agreed. The proposal retains the tower feature to the junction of Monsell Drive and Lutterworth Road and I consider that it represents good design in accordance with policy CS3 of the Leicester Core Strategy.

Living conditions (*The proposal*)

The proposed building would be used as a care home which would have 60 bedrooms. There would also be communal facilities such as a cinema, dining room, lounge and hairdressing. The bedrooms are of floorspace between 15 and 25 sqm, however with the availability of communal facilities I consider that the standard of accommodation provided is acceptable.

Residential amenity (*neighbouring properties*)

The adjacent site to the east is currently undeveloped. There would be two windows in the elevation closest to this site that would serve bedrooms, however these are in the

same position as previously approved and I therefore do not consider that it would prevent future development of this site.

There are residential properties on the opposite side of Monsell Drive at 2 and 2a. The Residential Amenity SPD suggests 21m distance between the habitable room windows. The proposed building would be 36m away from these properties and I therefore do not consider that the proposal would result in an adverse impact in terms of overlooking of these properties.

The properties on the opposite side of Lutterworth Road at 73-79 are some 40m from the site and I therefore also consider that the proposal would not result in an adverse impact in terms of overlooking of these properties.

The neighbouring property at 60 Lutterworth Road is close to the boundary with the application site, however there is a line of protected trees on this boundary which are all due to be retained and there are no windows in the side elevation of 60 Lutterworth Road. Due to this and the orientation of this property I do not consider that there will be a significant impact on the amenity of the occupiers of the neighbouring properties to justify refusal and I therefore consider that the proposal is not contrary to saved policy PS10 of the City of Leicester Local Plan.

Waste storage and collection

A plan has been provided showing a bin storage area close to the access point off Monsell Drive. This is the same arrangement as previously approved and I recommend a condition to require its construction and retention.

Highways and Parking

15 car parking spaces are proposed. Appendix 1 of the City of Leicester Local Plan sets out the parking requirements for the City and states that for this development 1 space should be provided for each 4 beds. This equates to 15 spaces and I therefore consider that the parking requirement is not contrary to saved policy AM11 of the City of Leicester Local Plan.

Objectors have raised concerns over spaces for delivery vehicles and emergency services, however sufficient space is provided for these vehicles to park within the site. Further concerns have been raised over the exit from Monsell Drive to Lutterworth Road and the need for a residents parking scheme on Monsell Drive. As the development provides the required number of spaces I do not consider that the proposal would generate a significant amount of additional traffic to justify a contribution for highway improvements and I therefore consider that the proposal would not result in a severe highway impact to justify refusal.

Sustainable Energy

The proposal seeks to improve thermal performance of the building through construction methods and the use of a combined heat and power unit (CHP). This is the same proposal as previously approved and the design has also been finalised through a discharge of condition application. I therefore consider that the proposal will

contribute to reducing emissions and I recommend a condition to require the scheme to be operational before occupation. Subject to this I consider that the proposal is in accordance with policy CS2 of the Leicester Core Strategy.

Drainage

The site is not located within an area at risk of flooding or a critical drainage area, however policy CS2 of the Leicester Core Strategy requires major developments to include sustainable drainage systems. Details of an attenuation tank and a management plan including filter drains, details of foul and surface water drainage, connections into the public sewer systems and water butts have already been submitted through a discharge of condition application and subject to a condition requiring the implementation of these on the site I consider that the proposal is in accordance with policy CS2 of the Leicester Core Strategy.

Nature conservation/Trees/landscaping

The site is covered by a tree preservation order. An updated tree survey was submitted during the course of the application and shows that a further lime tree needs to be removed. The tree is located in the car parking area and has suffered damage through the previous site entrance construction. I therefore recommend a condition requiring a replacement tree to be planted. The updated survey also included protection measures for the retained trees and I also recommend a condition requiring these to be in place before work commences. Subject to these I consider that the proposal does not conflict with saved policy UD06 of the City of Leicester Local Plan.

Protected species

As the proposal involves demolition of the existing buildings and is a major development the impacts on biodiversity are also a consideration. A protected species survey was submitted with application 20191260 to discharge a previous condition. This survey is still considered to be valid for the purposes of this application. The survey found that bats were not currently present in the building but there was evidence that bats had previously gained access. The survey further recommended the installation of bat and bird boxes within the new building. I therefore recommend conditions to deal with these recommendations.

Viability and Developer Contributions

Leicester University Hospitals NHS Trust have requested a developer contribution of £14,209.00 to contribute to the cost created by each patient from the development. Policy CS19 of the Leicester Core Strategy sets out the requirements for developer contributions and this does not include such contributions. I therefore consider that the request would not be in accordance with the policy.

Conclusion

In conclusion I consider that the proposal would result in development almost identical to the previous approvals and would bring a derelict site back into use. I further consider that the proposal is in accordance with planning policy for the area.

I therefore recommend that this application is APPROVED subject to the following conditions.

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The walls, roof, windows doors and other external materials shall be constructed in accordance with the details submitted in the application form. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. Plant and machinery shall only be operated and installed in accordance with the details submitted on approved plan SK-001 rev P2 submitted to the City Council as Local Planning Authority on 19 November 2019. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
4. Before the occupation of any part of the development, all parking areas shall be surfaced and marked out in accordance with details which shall first have been submitted to and approved by the City Council as local planning authority, and shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, and in accordance with policy AM11 of the City of Leicester Local Plan and Core Strategy policy CS3.)
5. No part of the development shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance with the details shown on the approved plan AL(9)901 rev J. (In the interests of the satisfactory development of the site and in accordance with policy AM02 of the City of Leicester Local Plan).
6. The use shall only operate in accordance with the details submitted in the Travel Plan dated October 2016 and approved under application 20162240 The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with policies AM01, AM02, and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).
7. All street works shall be constructed in accordance with the Council's standards contained in the "6Cs Design Guide" (view from www.leicester.gov.uk/6cs-design-guide). (To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
8. No part of the development shall be occupied until the 2 metre by 2 metre sight lines on each side of each vehicular access have been provided, and they shall be retained thereafter. (In the interests of the safety of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

9. The gate at the entrance from Monsell Drive shall be set back at least 5m from the footway and retained as such. (In the interests of highway safety and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
10. All works shall be carried out in accordance with British Standard for Tree Work BS 3998:2010. (In the interests of the health and amenity value of the trees and in accordance with Policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
11. All trees on the site subject to a Tree Preservation Order shall be protected from damage during building operations, in accordance with details submitted within the Tree Survey dated 25 October 2019. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
12. Prior to the commence of the development, all existing trees, shrubs or hedges to be retained on the site shall be protected by fences erected not within the root protection area in accordance with details submitted within the Tree Survey dated 25 October 2019. No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected within these fences; no changes in ground level shall be made within the spread of any tree, shrub or hedge without the previous written approval of the local planning authority. No trees shall be used as anchorages, nor shall any items whatsoever be affixed to any retained tree. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
13. All vegetation intended for clearance shall be clearly identified on site in accordance with details submitted within the Tree Survey dated 25 October 2019, before any clearance is begun. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
14. During works of demolition and construction all operations shall only be carried out in accordance with the details shown on plan SK(8)910 received by the City Council as Local Planning Authority on 13 August 2018 in respect of temporary site entrances, temporary storage areas for soil and other materials, and the placing of plant and site huts. (To ensure the satisfactory development of the site, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
15. In the first planting season following the removal of each tree, a replacement tree shall be planted. The replacement tree(s) shall be 2:1 at 14/16 Extra Heavy Standard of the same species unless an alternative scheme has first been submitted to and approved by the City Council as local planning authority. All replacement trees shall be maintained for a minimum period of five years following planting. Any tree that dies, becomes seriously damaged or is removed shall be replaced by another of the same specification at the same place in the first available planting season. (In the interests of the amenity of the

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- area, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
16. No part of the development shall be occupied until evidence demonstrating satisfactory operation of the approved Combined Heat and Power based community based heating and hot water system including on-site installation has been submitted to and approved in writing by the City Council. (In the interests of securing energy efficiency in accordance with Policy CS2 of the Core Strategy.)
 17. The approved landscaping scheme shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
 18. No part of the development shall be occupied until the arrangements for storage of bins shown on the approved plans have been provided. These arrangements shall be maintained thereafter. (In the interests of the amenities of the surrounding area, and in accordance with policy PS10 of the City of Leicester Local Plan and Core Strategy policy CS3.)
 19. No part of the development shall be occupied until the Sustainable Drainage System (SuDS) for the site has been completed in accordance with the approved details. The Sustainable Drainage System shall be managed and maintained thereafter in accordance with the approved management and maintenance plan. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.)
 20. The development shall not commence above ground level until details of 8 bat bricks and 12 bird boxes to be incorporated within the elevations of the proposed building have been submitted to and agreed in writing by the City Council as Local Planning Authority. The locations should be determined by an ecologist who should also supervise their installation. The development shall be carried out in accordance with the agreed details and the bat and bird boxes shall be retained thereafter. (In the interests of biodiversity and in accordance with policy CS17 of the Leicester Core Strategy.)
 21. Before any external lighting is installed a detailed design plan of lighting to be used which shows the locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light, shall be submitted to and approved in writing by the local planning authority. The lighting shall be designed to cause minimum disturbance to protected species that may inhabit the site with appropriate areas remaining dark and a maximum of 1 lux on vegetated areas where considered necessary. The approved scheme shall be implemented and retained thereafter. No additional lighting shall be installed without prior agreement from the Local Planning Authority. (In

the interests of protecting wildlife habitats and in accordance with saved policy BE22 of the City of Leicester Local Plan and policy CS 17 of the Leicester Core Strategy)

22. The use shall not commence until the drainage, and especially foul drainage, has been installed in accordance with the details approved by the City Council as local planning authority under application 20181828. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy)

23. The development hereby approved shall be carried out solely in accordance with the following drawings:
AL(1)105 rev A (Roof Plan) received 23 September 2019
AL(1)104 rev A (Attic Plan) received 23 September 2019
AL(1)103 rev A (Second Floor Plan) received 23 September 2019
AL(1)102 rev A (First Floor Plan) received 23 September 2019
AL(1)101 rev A (Ground Floor Plan) received 23 September 2019
AL(1)140 rev A, AL(1)141 rev A and AL(1)142 rev A (Elevations) received 23 September 2019
AL(9)901 rev J (Site Plan) received 23 September 2019
AL(9)902 rev K (Landscaping) received 19 November 2019
Unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. Development on the site shall avoid the bird nesting season (March to September), but if necessary a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 24 hours prior to the commencement of works and evidence provided to the City Council as Local Planning Authority. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance whilst the nest is in use. All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird during the nesting season or to damage or destroy an active nest or eggs during that time.

2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
- 2006_BE16 Planning permission will be granted for the development of renewable energy installations where local impacts are not outweighed by wider benefits. Major developments must realise their potential for incorporating renewable energy technologies.
- 2006_BE20 Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2006_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS13 The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 2014_CS19 New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.