

Erection of Residential Nursing Home (C2 Use) and formation of additional parking (outline - all matters reserved)

Report Item No  
A6

Ibstock House 132 High Street Ibstock Coalville Leicestershire LE67 6JP

Application Reference  
14/01140/OUT

Applicant:  
Dr S Johri

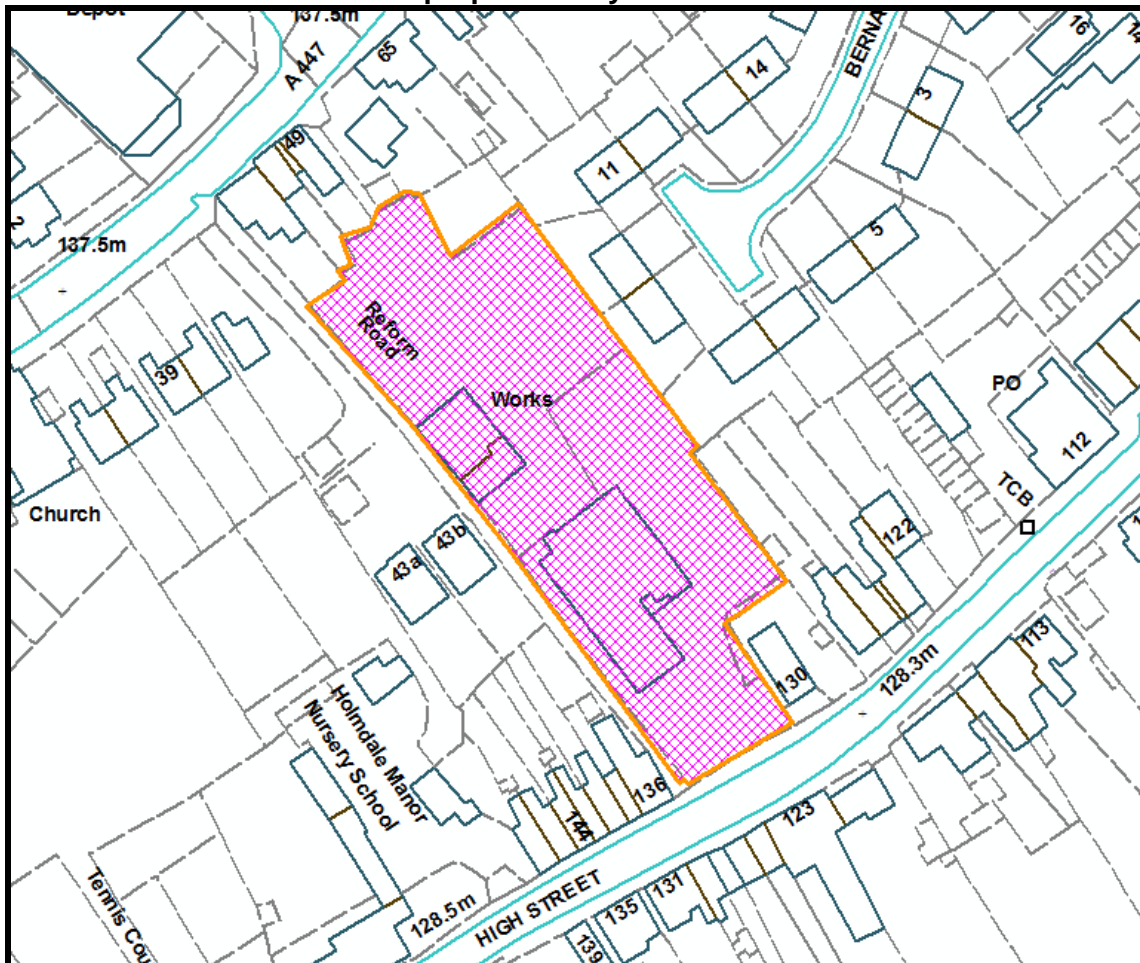
Date Registered  
22 December 2014

Case Officer:  
James Mattley

Target Decision Date  
16 February 2015

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **Proposal**

Planning permission is sought for the erection of a residential nursing home (C2 Use) and formation of additional parking (outline - all matters reserved) at the existing doctors surgery at Ibstock House, 132 High Street, Ibstock.

### **Consultations**

Members will see from the report below that objections have been received from surrounding neighbours and from the Parish Council.

### **Planning Policy**

The application site lies within the limits to development and in a sustainable settlement where the principle of new buildings are considered to be acceptable. Also material to the determination of the application is the advice in the National Planning Policy Framework (NPPF) and whether the scheme represents sustainable development.

### **Conclusion**

The site is located in a sustainable settlement and the principle of the development is considered to be acceptable. The indicative details supplied indicate that a suitable scheme could be designed at the reserved matters stage which would be acceptable in terms of the residential amenities of existing and future occupiers, would provide for an appropriate form of design that would be in keeping with the locality and which could be acceptable in relation to highway safety. There are no other relevant material planning considerations that indicate planning permission should not be granted.

### **RECOMMENDATION:- PERMIT, SUBJECT TO THE IMPOSITION OF CONDITIONS**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the erection of a residential nursing home (C2 Use) and formation of additional parking (outline - all matters reserved) at the existing doctors surgery at Ibstock House, 132 High Street, Ibstock.

The site to which this application relates is an area of largely open grassed land which slopes relatively steeply up towards Melbourne Road and which lies to the rear of the existing doctors' surgery which fronts onto High Street, Ibstock. The site is partially within the Ibstock Conservation Area, although the majority of it, lies outside the designated Area. Reform Road, a public footpath, runs along most of the south-western boundary of the site. A former chapel building, in separate ownership, 'cuts' into the application site on the north-eastern side of Reform Road. To the north-west, the site is adjoined by the rear garden areas of dwellings fronting onto Melbourne Road and the rear garden areas of single storey dwellings on Bernard Close adjoin the north-eastern boundary.

In 2001 and 2007, outline applications for the erection of a residential nursing / care home on the site were submitted with details of access. These applications were both approved although they have now lapsed. An outline application for planning permission with all matters reserved has now been received for the erection of a residential nursing / care home on the site. The application has been accompanied by a Design and Access Statement and a Planning Statement. The submissions also include a drawing showing indicative development zones, additional car parking areas and areas of open space. The indicative drawing also suggests that it would be intention for the vehicular access to the site to be shared with the existing doctor's surgery and for new boundary planting to be provided to the north-eastern boundary of the site.

The application was originally in by Councillor De Lacy as it is considered to be a matter of public concern and the new Local Ward Member (John Clarke) has confirmed that the application should be heard at the planning committee.

#### Relevant Planning History:

01/00173/OUT - Proposed residential nursing/care home (outline - means of access) - refused.

01/01336/OUT - Proposed residential nursing/care home (outline - means of access) - permitted.

07/00671/OUT - Erection of residential nursing/care home (outline- all matters reserved) - permitted.

09/00684/FUL - Erection of two storey extension, single storey glazed link, installation of roof lights and associated car parking works to the existing surgery - permitted.

### 2. Publicity

34 no. Neighbours have been notified (Date of last notification 8 January 2015)

Press Notice published 14 January 2015

Site Notice published 11 January 2015

### 3. Consultations

Ibstock Parish Council consulted

County Highway Authority consulted 8 January 2015  
Severn Trent Water Limited consulted 8 January 2015  
Head of Environmental Protection consulted 8 January 2015  
NWLDC Conservation Officer consulted 8 January 2015  
LCC/Footpaths consulted 8 January 2015  
NWLDC Footpaths Officer consulted 8 January 2015  
NHS Leicester, Leicestershire And Rutland Facilities Management consulted 20 January 2015

#### **4. Summary of Representations Received**

##### **Statutory Consultees**

Ibstock Parish Council strongly oppose to the application on the following grounds:

- \_ there has been material changes since permission was granted for a similar application in 2007;
- \_ there has been a lack of engagement between the surgery and the Parish Council;
- \_ the existing surgery should be extended using the existing Section 106 moneys which have been collected from previous housing applications in the area;
- \_ the existing car park is not big enough and the proposed development will make things worse;
- \_ the existing access has inadequate visibility;
- \_ the gradient of the existing access results in the surgery being closed during adverse weather conditions;
- \_ concerns regarding the proposed height of the building;
- \_ would be helpful to see a plan showing the proposed extension to the doctors surgery with the residential care home to see if there is sufficient space.

County Highway Authority has no objections subject to the imposition of relevant planning conditions.

Leicestershire County Footpath Officer has no objection to planning consent being granted as it would not impact upon the adjacent footpath.

NHS England raises no objection to the proposed application.

North West Leicestershire Environmental Protection has no environmental observations to make.

North West Leicestershire Land Contamination Officer has no objections subject to the inclusion of relevant conditions.

Severn Trent Water has no objection to the proposal subject to the inclusion of relevant drainage conditions.

##### **Third Party Representations**

One letter of representation has been received objecting to the application on the following grounds:

- \_ would impact on surrounding residential amenities;
- \_ would result in noise and disturbance;
- \_ existing mature trees should be retained;

\_ there are already residential nursing facilities within the village.

## **5. Relevant Planning Policy**

### **National Policies**

#### *National Planning Policy Framework*

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)  
Paragraph 32 (Promoting sustainable transport)  
Paragraph 34 (Promoting sustainable transport)  
Paragraph 57 (Requiring good design)  
Paragraph 59 (Requiring good design)  
Paragraph 61 (Requiring good design)  
Paragraph 118 (Conserving and enhancing the natural environment)  
Paragraph 123 (Conserving and enhancing the natural environment)  
Paragraph 128 (Conserving and enhancing the historic environment)  
Paragraph 129 (Conserving and enhancing the historic environment)  
Paragraph 131 (Conserving and enhancing the historic environment)  
Paragraph 132 (Conserving and enhancing the historic environment)  
Paragraph 133 (Conserving and enhancing the historic environment)  
Paragraph 134 (Conserving and enhancing the historic environment)  
Paragraph 203 (Planning conditions and obligations)

### **Adopted North West Leicestershire Local Plan (2002)**

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S2 Limits to Development  
Policy E3 Residential Amenities  
Policy E4 Design  
Policy E7 Landscaping  
Policy T3 Highway Standards  
Policy T8 Parking

### **Other Policies**

#### **6Cs Design Guide (Leicestershire County Council)**

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

## 6. Assessment

### Principle

The site is located within the limits to development where the principle of new development is considered acceptable subject to compliance with the relevant policies of the adopted North West Leicestershire Local Plan and other material considerations.

In terms of sustainability, the concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The application site is located within Ibstock which benefits from a range of local services/facilities and is accessible via public transport. Therefore the proposal is considered to score well against the sustainability advice in the NPPF.

Two previous outline planning applications for this type of development have been granted planning permission. However, since the previous planning application on the site there have been a number of housing applications in Ibstock which have included for contributions to be spent on the expansion of the existing surgery and the Parish Council have raised some concerns regarding this application precluding the expansion of the existing surgery. Some of the legal agreements signed in respect of these healthcare contributions require the money to be spent only at the existing surgery whilst others just require the contribution to be spent within Ibstock.

In relation to these concerns the Local Planning Authority has consulted with the NHS England who state the following: *Even if the application were granted, we would be working with the practice to prioritise the expansion of the surgery to support primary care services and there is no indication that the practice would not work with us on this.*

Given that layout is not included for consideration at this stage and, therefore, the building could be significantly smaller than that shown on the indicative plan and that NHS England do not raise any objections in respect of this application, it is not considered that the application could be refused on these grounds.

Taking all of these issues into account, the proposal is considered acceptable in principle.

### Highway Safety and Parking

Having regard to the previous approval, and notwithstanding the concerns expressed by the Parish Council, it is considered that adequate off-street car parking provision to serve both the existing doctors surgery and the proposed development could be provided. Further, as means of access is a reserved matter, the necessary precise details can be secured in due course (with the reserved matters application submission), although again as indicated by the approval of 2001 and 2007 it is apparent that adequate access arrangements and parking can in principle be achieved at the site.

In conclusion, the County Highway Authority has no objections to the proposed development subject to relevant highway conditions. Therefore, it is not considered that the proposal would conflict with highway safety policies T3 and T8 in the Local Plan or the advice in the NPPF.

### Residential Amenity

There are residential properties located off Bernard Close and Melbourne Road that are in fairly close proximity to the application site boundary. Insofar as the requirements contained within Policy E3 are concerned, and having due regard to the applicants submissions, it remains the

case that it is considered that a building can be satisfactorily accommodated on the application site without necessarily compromising the residential amenities of surrounding existing properties. Key factors in securing the necessary satisfactory relationship will be the scale of the building(s) proposed, along with finished floor levels (given the topography of the site) and the boundary treatments. These issues can all be dealt with at the reserved matters stage.

Having regard to all of the above, it is deemed that a development could come forward on the site that would not have any significant detrimental impact upon neighbouring residential amenities and, therefore, the scheme is considered to be acceptable in relation to Policy E3 of the Local Plan.

### **Design and Impact on Conservation Area**

The northern section of the site, where the indicative details show the new building to be located, is located outside of the Ibstock Conservation Area. In terms of the impact on the character and appearance of the Conservation Area and the general environs, given the limited views into the site any development would be unlikely to have any significant visual impact on the local environs. The Council's Conservation Officer raises no objections to the principle of the development. In terms of design, there is no reason why an appropriate form of development could not be secured at the reserved matters stage, which would not adversely affect the setting of the Ibstock Conservation Area.

In terms of design issues, therefore, it is considered that the scheme would comply with the requirements of Local Plan Policies E4 and the design advice in the NPPF are considered to be met by the scheme at this stage although a suitable scheme would need to be submitted at the reserved matters stage.

### **Other**

The presence of other nursing homes within the area is not a material planning consideration.

Although the layout plan indicates that some trees on the boundary of the site may have to be removed this is indicative only as layout is a reserved matter and, therefore, this would need to be considered in more detail at the reserved matters stage. It is noted that the trees in question are located outside of the Conservation Area and are not subject to a Tree Preservation Order

### **Conclusion**

The site is located in a sustainable settlement and the principle of the development is considered to be acceptable. The indicative details supplied indicate that a suitable scheme could be designed at the reserved matters stage which would be acceptable in terms of the residential amenities of existing and future occupiers, would provide for an appropriate form of design that would be in keeping with the locality and which could be acceptable in relation to highway safety. There are no other relevant material planning considerations that indicate planning permission should not be granted.

Therefore, taking all of the above into account, it is considered that the application complies with relevant policies of the North West Leicestershire Local Plan, 2002 and the National Planning Policy Framework, 2012 and should be granted outline planning permission.

**RECOMMENDATION - PERMIT, subject to the following conditions;**

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

*Reason- to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).*

- 2 Approval of the details of the layout, scale, appearance, access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

*Reason - This permission is in outline only.*

- 3 No development shall commence on site until provision has made for the satisfactory disposal of foul and surface water from the site in accordance with a scheme which shall first have been submitted and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

*Reason - To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.*

- 4 Before the development hereby permitted is first used, cycle parking provision shall be made to the satisfaction of the Local Planning Authority and once provided shall be maintained and kept available for use in perpetuity.

*Reason - In the interests of the sustainability of the development and to encourage alternative transport choice.*

- 5 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

*Reason - To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.*

- 6 No development (except any demolition permitted by this permission) shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;



- BS 8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
- BS8485:2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- The Verification Plan shall be prepared in accordance with the requirements of:
- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
  - CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

*Reason - To ensure the safe development of the site, having regard to previous use of it and to accord with the aims and objectives of paragraph 120 of the NPPF.*

- 7 Before occupation of any part of the completed development, a verification investigation shall be undertaken inline with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development shall be undertaken. The report showing the findings of the verification investigation shall be submitted to, and approved by, the Local Planning Authority. The verification report should:
- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan.
  - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works.
    - Contain Movement permits of all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required
  - Contain test certificates of imported material to show that it is suitable for its proposed use
  - Demonstrate the effectiveness of the approved remedial scheme
  - Include a statement signed by the developer or the approved agent, confirming that all the works specified in the Remediation Scheme have been completed.

*Reason - To ensure the safe development of the site, having regard to previous use of it.*

**Notes to applicant**

- 1 You are advised that this grant of outline planning permission does not necessary imply approval for the details shown on the illustrative plan(s).
- 2 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 3 Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
- 4 The County Footpath Officer advises the following:
  1. The public footpath is enclosed between boundary features and the surfaced width currently available for use by pedestrians should not be encroached upon by works associated with the development.
  2. If it is intended to change any of the boundary treatments currently separating the application site from the public right of way, the Highway Authority's approval to the type of boundary treatment proposed should be obtained.
  3. If it becomes necessary for works to be carried out in connection with the proposed development which would affect the surface of the public right of way, prior consultation must be undertaken with the County Council's Travel Choice and Access Team (Tel No. 0116 305 0001).
  4. No new gates, stiles, fences or other structures affecting the footpath, either of a temporary or permanent nature, should be installed without the written consent of the Highway Authority having been obtained. Unless a structure has been authorised, it constitutes an unlawful obstruction of the right of way and the County Council would be obliged to require its immediate removal.
  5. Any damage caused to the surface of the right of way which is directly attributable to works associated with the development, will be the responsibility of the applicant to repair at his own expense to the satisfaction of the Highway Authority.
  6. If the applicant considers that he will be unable to assure the safety of users of Footpath Q96 while works associated with the proposed development are being undertaken, application would need to be made to the County Council for an Order suspending public rights for the duration of those works. An Application Form for the making of an Order in respect of the temporary diversion or stopping up of a public right of way, together with further details in relation to the process involved, may be obtained by e-mailing [roadclosures@leics.gov.uk](mailto:roadclosures@leics.gov.uk) . A minimum period of 8 weeks should be allowed for the processing of the application and a temporary alternative route would need to be identified.