

<b>Application Number:</b>	2013/75	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of 42-bed specialist care facility and 40 extra-care apartments, with car parking accessed from Burnley Road adj to Northern Primary School, and other associated works & landscaping	<b>Location:</b>	Land off Burnley Road, Weir
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	28 May 2013
<b>Applicant:</b>	Park Lane & Co Developers	<b>Determination Expiry Date:</b>	30 May 2013
<b>Agent:</b>	Euan Kellie Property Solutions		

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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
3 or more objections received	<input type="checkbox"/>
Other (please state):	Departure / Major Application

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

### Article 8

The right to respect for private and family life, home and correspondence.

### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## 1. RECOMMENDATION

**That Permission be Refused for the Reasons set out in Section 10.**

## **2. SITE**

This application relates to a site of approximately 1.6 hectares in area that is located in the Countryside between the settlements of Weir and Bacup.

Most of the site is agricultural land, comprising of grazing land that slopes generally down from the west to the east. However, it slopes steeply down to Burnley Road (A671) and Bacup Old Road, the banks fronting these highways bounded by 1-2m high stone retaining walls and occupied by trees which have been afforded the protection of the LCC (Borough of Bacup) TPO 1952 No 2. Towards its northern end the site runs behind nine existing houses, part of it occupied by dis-used gardens/allotments and parking/garaging. The un-made road running to the north of the application site provides access to the backs of 1-7 Plantation View houses and is also used for parking/servicing by Northern County Primary School. This un-made road continues to rise to the west of the site in the form of a private drive serving a farm and a small number of residential properties, over which runs a public footpath.

At the present time residents of the houses fronting the site are inclined to park vehicles on Burnley Road, and particular problems with parking/congestion arise at the start and finish of the school day. To the south of these houses there is no pavement between the application site and Burnley Road. For buses travelling north on Burnley Road there is a bus stop just to the north of the school, whilst for buses travelling south there is a bus stop/shelter immediately opposite the junction of the road to the side of the school.

The application site lies within Countryside, approximately 600m to the south of the Urban Boundary of the rural settlement of Weir. It is approximately 700m to the north of the Urban Boundary of the settlement of Bacup, and approximately 1500m from its Town Centre.

## **3. RELEVANT PLANNING HISTORY**

### 2004/813 Residential Development (Outline)

In February 2005 Committee considered an application seeking Outline Permission for residential development of the site.

Whilst permission was being sought at that time to form the vehicular access to serve the development directly to the main road, all other matters of detail had been reserved for later consideration. Though not part of the formal application, an illustrative drawing indicated extended gardens with parking spaces would be provided for 1-7 Plantation View and also proposed 14 car parking spaces be provided for the adjacent school.

In accordance with the Officer recommendation, Application 2004/813 was refused for the following reasons:

1. The proposed development is to be located within a Countryside Area outside of the defined Urban Boundary and the Green Belt; is unrelated to agriculture, forestry or any other use deemed appropriate to a rural area; and does not involve the rehabilitation and/or re-use of a building/buildings. Furthermore, in the view of the Local Planning Authority, there is no proven overriding need for the development. The proposal is therefore considered to be contrary to the provisions of policies DS.1 and DS.5 of the Rossendale District Local Plan, and Policy 1 of the Lancashire Structure Plan 1991 – 2006.

2. It is considered that the development is not currently required to meet the housing requirements of the Borough. The proposal is therefore considered to be contrary to the provisions of policy 43 of the Lancashire Structure Plan 1991 -2006 and policy 12 of the Proposed Changes (Deposit Edition) Joint Lancashire Structure Plan 2001 – 2016.
3. It is contended that the proposed development would not be sustainable seeking the development of “Greenfield” land without any overriding justification being put forward for so doing. The proposal is therefore considered to be contrary to the advice contained within Government guidance PPG3.
4. It is considered that the removal of protected trees, in order to form the new vehicular access to the development, would not be in the best interests of the visual amenity of the area. The proposal is therefore considered to be contrary to the provisions of policies DC.1 and E.4 of the Rossendale District Local Plan.

2007/716      Erection of 61 houses, provision of play area & parking for existing residents/school, and felling of protected trees (Outline)

This application sought Outline Permission for residential development of the site and for Approval of its scale, layout and means of access; the applicant reserved for later consideration the matters of appearance and landscaping.

The submitted scheme proposed :

1. Erection of 61 dwellings - to comprise of 6 detached, 52 semi-detached and 3 terraced houses.
2. Formation of a new vehicular/pedestrian access to Burnley Road midway along the site’s frontage to this main road - to climb the bank flanking the site at a gradient of 1 in 10 and require the felling of between a dozen and a dozen-and-a- half trees afforded the protection of the TPO.
3. Provision of an equipped Play Area within an area measuring 5.5m x 16m.
4. Provision of a 42-space car park for use by Northern County Primary School and off-street parking/garden-extensions for 1-7 Plantation View, to be accessed from the un-made road running to the north of the site.

In support of the proposal the Applicant/Agent made the following points :

- a) It is not intended to comply with the Council’s affordable housing policy, but the proposed housing will be of great benefit for local people, helping young people/families to remain in the area and get a foothold on the property ladder.
- b) The main benefit of the development will be in increasing prosperity/ employment in the local economy. This will be not simply through employment of local labour/material purchases for construction but, in the event that the development attracts families from surrounding areas who are in employment, their disposable income may be spent in local

shops/villages, etc. The Council will benefit from the revenue derived from Council Tax.

- c) The site is in essence an infill of housing between existing housing developments on the western side of Burnley Road and will not be out of character with the surrounding development. The new development would be framed by trees; those trees to be removed to form the access would be replaced elsewhere around the site and are in many cases in a poor condition/ dying. A hedge would be planted along the western boundary of the site and allowed to grow on to a height of 3m. The proposed houses would be constructed with stone external walls and slate roofs, each with the facility to park 2 cars off-street.
- d) A play area will be provided on the site that conforms to the National Playing Field Standard and will then be given to Rossendale BC to maintain.
- e) A new access to Burnley Road will be formed to serve the proposed development, with a gradient of 1/10 and visibility-splay to each side conforming to current standards.
- f) The traffic situation around Northern County Primary School is at present dangerous, in particular at the times of opening and closing of the school, when parents are dropping-off/collecting children. To improve this situation residents of 1-7 plantation View will be given an additional area of rear garden containing a parking-bay and a 42-space car park is proposed for use by the school; the applicant envisages that the school car park will be constructed by the Developer and given to Rossendale BC to manage/maintain.

The application was reported to Committee in February 2008, the Officer Report concluding that :

*“There are compelling reasons for refusal of this application in relation to national and local policy in relation to Greenfield development, countryside and housing policy, impact upon landscape/trees and highway safety. The applicant’s offer of residential and school parking does not warrant a permission being granted. “*

In accordance with the Officer Recommendation, Outline Permission was refused by Committee for the following reasons :

1. The proposed development would be outside the urban area and would be of significant scale on a greenfield site in a countryside location. It would not be appropriate development having regard to the settlement hierarchy, the site’s accessibility or a balance of uses that contributes towards a sustainable pattern of development. The scale of the proposals will not contribute towards meeting an identified local need or support local regeneration. The proposed development will be contrary to Policy 1 of the adopted Joint Lancashire Structure Plan, PPS3 and PPS7.
2. The proposed development is not within an identified village or settlement and is of a scale inappropriate to its location contrary to saved Policy DS1 and

Policy 5 of the adopted Joint Lancashire Structure Plan.

3. The proposal does not meet any of the criteria laid down in either the Revised Interim Housing Position Statement January 2007 or the Interim Housing Position Statement December 2007 which set out the housing policy for Rossendale in a position of housing over supply. It is considered that the development is not required to meet the housing requirements of the Borough. The proposal is therefore contrary to the provisions of PPS3 and Policy 12 of the adopted Joint Lancashire Structure Plan 2001-2016 and Rossendale Council's revised Interim Housing Position Statement (Jan 2007) and the revised Interim Housing Position Statement (Dec 2007).
4. There is no affordable housing contribution and no clear evidence to demonstrate that the required level of provision would not be viable. The proposal is therefore contrary to the provisions of PPS3, Policy 12 of the Joint Lancashire Structure Plan and Rossendale Council's Interim Housing Position Statement (Dec 2007).
5. The application fails to make provision for a financial contribution towards Public Open Space or Public Transport contrary to the Lancashire County Council Obligations Paper of July 2006.
6. The proposed development would lead to the loss of trees protected by a Tree Preservation Order to the detriment of the character and appearance of the site, contrary to saved Policy E4 and the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.
7. The applicant has failed to prove that the proposed development would not be detrimental to highway safety in the position, design and vertical alignment of the proposed access road from Burnley Road. In addition, the layout does not make adequate provision for the turning of vehicles. The proposed development would be contrary to the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan and Policy 7 of the adopted Joint Lancashire Structure Plan.
8. The application and submitted plans contain insufficient information to enable the application to be adequately assessed including the following matters: scale of the development, existing and finished levels, survey of existing trees, details of proposed access to Burnley Road, contrary to the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.
9. The application fails to address the issue of the accessibility of the site to retail, employment, and leisure and education facilities by sustainable modes of travel i.e. public transport, cycling and walking contrary to PPS1 and PPS7.

## **5. PROPOSAL**

The scheme is designed as a 'care village' with the emphasis on the provision of care for groups such as acquired brain injury patients and those who might no longer be able to live completely independently but who still wish to have some degree of autonomy.

To provide the differing care regimes required for the specialist care facility and the close-care apartments three buildings are proposed, linked physically to a Central Hub Building. The total gross internal floor area of the development will be 5,210sq m.

In short :

- The Central Hub Building is to be located towards the rear of the site and of 1-storey, providing the main public entrance/reception area, offices & communal lounge/facilities, etc.
- Building A is to extend to the NE of the hub building, taking the form of an L-shaped 2-storey building that will accommodate 40 residents requiring 'extra care' in 1-bed apartments - this building is designed to cater for a frail and incapacitated, yet independent-minded, ageing population; the Green Brook scheme in Whitworth is a good example of this type of care home.
- Building B is to extend to the SE of the hub building, taking the form of a 1-storey building with roof-garden, providing 10 beds.
- Building C is to extend to the S of the hub building, taking the form of a 2-storey building that will provide 32 beds. Like Building B it is intended for people with conditions such as acquired brain injuries (ABI), as well as catering for individuals that need respite care; it is envisaged that as many as 30 of the residents at these buildings may have mental conditions requiring individual specialist care and monitoring.
- To the north side of the hub building will be a car park with 31 spaces for the vehicles of visitors/staff of the establishment, with parking also for 6 motorbikes and 8 bikes, together with a new electricity sub-station. Beyond the gate giving access to this car park is to be a further car park with 41 spaces (15 indicated to be for existing residents and 27 for school use), taking access from the un-adopted highway running to the south side of Northern Primary School which is itself to be improved to an adoptable standard, with pavement build-outs to Burnley Road to each side of the junction.
- Private garden space is to be provided to each side of Building B, the bigger of these areas to contain a pavillion, and made secure where necessary by erection of 2.4m high close-boarded fencing.
- The trees within the site - which occupy principally the bank sloping steeply down to Burnley Road and Bacup Old Road - are to remain, except for 5 with particular defects.

The application is accompanied by the following documents :

- Planning Policy Compliance Statement
- Design and Access Statement
- Transport Assessment
- Geo-Environmental Desk Study
- Construction Methodology Statement
- Flood Risk Assessment and Outline Drainage Strategy
- Statement of Consultation
- Socio-economic Assessment
- Arboricultural Report
- Extended Phase 1 Habitat Survey

### **Applicant's Justification for the Proposed Development**

- At the heart of the NPPF is a presumption in favour of sustainable development, to which there are three dimensions to sustainable development: economic, social and environmental. The proposals will satisfy these three dimensions for the following reasons:
  - The development will lead to economic benefits by creating employment

- opportunities whilst responding to an identified local need.
  - Social benefits will be delivered by providing an accessible local service that reflects the community's needs whilst supporting its health, social and cultural wellbeing.
  - The proposals have been sensitively designed to ensure consistency with the surrounding natural and built environment whilst according with the principle of moving towards a low carbon economy.
- Currently 14% of the people of Greensclough and Irwell wards have reached retirement age and more people are living longer as pensioners. There is very little care home provision locally - there is only one care home within 2.5 miles providing nursing care for people with mental conditions (this has capacity for 28 residents). There are very few 'extra care' schemes provided within 10 miles of the site – indeed, there are only six schemes providing accommodation for just 236 residents, only one recently completed (namely Green Brook House in Whitworth).
  - Whilst the site is within the countryside it is located to the rear of a ribbon of existing residential development (and is adjacent to the Northern Primary School) – therefore it is not in an isolated location. Indeed, it is readily accessible on foot, by bicycle and public transport and, as such, is considered to be in a sustainable location for the development proposed.
  - The Council's Interim Housing Policy Statement acknowledges that new residential development outside the urban boundary will be permitted where proposals are for solely affordable and / or supported housing. Furthermore, Policy 2 of the Council's Core Strategy states that the development of unallocated greenfield land will be permitted where it is for 100% affordable housing and / or supported housing. Policy 4 of the Core Strategy also states that supported housing will be delivered by *"actively supporting proposals, particularly for those with mental health needs."*
  - The proposal entails approximately £6m of investment, with the potential to create 48 Full Time Equivalent ("FTE") jobs on-site during the 15-month construction phase and 94 FTE jobs once operational (including 22 registered nurses, 50 care assistants & other managerial/admin/domestic staff). The spend of those directly employed at the site would further assist the local economy/job creation/development of training opportunities.
  - There are no site specific policies that indicate that development should be restricted. The agricultural land classification is classed as Grade 4 and Grade 5 (poor and very poor) and has not had an active land use for more than 10 years; indeed, our client understands this could be up to 30 years. RBC's Core Strategy Policy 1 states that the Council will take account of the need to *"make best use of under-used...land and buildings."*
  - The site is not within a Flood Zone and surface-water run-off from the development can be limited to the Greenfield rate by various SUDS methods. The site is considered unlikely to require any significant remediation works to address contamination issues, although further intrusive investigations would need to be undertaken prior to development as the Coal Authority has indicated the site may have been the subject of mining at shallow depth.
  - The application site is located within walking and cycling distance of Bacup town centre and a large surrounding residential area from which a proportion of staff and

visitors might reasonably be expected to be drawn. Additionally, the site is accessible during the day on Mondays to Saturdays by regular local bus services.

- It is predicted that the proposed development would generate 40 person trips in the morning peak hour and 37 in the evening peak hour, with 77 in the peak hour for the development and 492 over the course of the working day. The majority of trips would be by private car (approximately a tenth of them as a passenger), with approaching a quarter by bike or on foot. It is satisfied that the adopted highway network can accommodate the additional traffic and the improvements to the access road to the side of the school and at its junction with the main road will ensure there is no significant detriment to safety. By means of a Travel Plan potential impacts of the proposed development on the local transport system and highway network could be mitigated.
- The proposed footway build-outs would have additional benefits for pedestrian safety by the school, the existing footway tapering to 0.8m in width. The proposals seek to improve parking and servicing in the local area. 15 no. private car parking spaces have been allocated for residents on Burnley Road whilst 8 no. private car parking spaces have been provided for Step Row residents. Improvements are also proposed to the access off Burnley Road and a drop-off point will be provided for the Northern Primary School.

In sum, the proposals will represent sustainable development, meet the key requirements of national and development plan policy and should therefore be granted.

## **6. POLICY CONTEXT**

### **National**

#### **National Planning Policy Framework (2012)**

- Section 1 Building a Strong Competitive Economy
- Section 3 Supporting a Prosperous Rural Economy
- Section 4 Promoting Sustainable Transport
- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring Good Design
- Section 8 Promoting Healthy Communities
- Section 10 Meeting the challenge of climate change, flooding & coastal change
- Section 11 Conserving and Enhancing the Natural Environment
- Section 12 Conserving and Enhancing the Historic Environment

### **Development Plan Policies**

#### **Rossendale Core Strategy DPD (2011)**

- AVP2 Bacup, Stacksteads, Britannia & Weir
- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale's Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 4 Affordable & Supported Housing
- Policy 6 Training and skills
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 10 Provision of Employment
- Policy 16 Preserving and Enhancing Rossendale's Built Environment
- Policy 17 Rossendale's Green Infrastructure
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation



- Policy 19 Climate Change and Low & Zero Carbon Sources of Energy
- Policy 21 Supporting the Rural Economy and its Communities
- Policy 22 Planning Contributions
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

**Other Material Planning Considerations**

- Ministerial Statement - Community Secretary : Housing and Growth (6/9/12)
- Ministerial Speech - Planning Minister : (10/1/13)
- LCC Landscape Character Assessment (2000)
- LCC Planning Obligations in Lancashire (2008)
- RBC Open Spaces & Play Equipment Contributions SPD (2008)
- RBC Strategic Housing Market Assessment (2009)

**7. CONSULTATION RESPONSES**

**RBC (Forward Planning)**

This proposal is on a greenfield site, which is shown on the Proposals Map to be located in the Countryside, outside of the defined Urban Boundary, between Bacup and Weir. The site is currently vacant and the applicant notes that its last use was agricultural, which ended in about 1980.

In support of their application the applicant states it is expected that this facility may create 94 FTE jobs, with a further 14 FTE generated as a result of the induced effect. This is in addition to the construction phase jobs. The applicant also notes that there is very limited existing care-home and extra care provision in the locality. In addition it is stated that the site has not been in active use for up to 30 years so the Council needs to consider Policy 1 of the Core Strategy “to make best use of under-used land and buildings”.

Policy 1 of the Adopted Core Strategy 2011 notes that “development ... should take place within the defined urban boundary, unless it has to be in the countryside, and should be of a size and nature appropriate to the size and role of the settlement.” It is considered that the applicant has not shown why this development should be in the countryside, nor its appropriateness to the size and role of this undefined settlement, which is not identified on the Proposals Map.

Policy 2 of the Core Strategy specifically refers to the provision of new housing and point 7 refers to prioritising the development of previously developed land. Point 7 (i) of Policy 2 allows for the development of un-allocated greenfield land where “it is for 100% affordable and/or supported housing” or as in point 7 (iii) of Policy 2 “it delivers a significant social, economic or environmental benefit”.

Policy 4 of the Core Strategy refers specifically to the delivery of affordable and supported housing within the Borough and notes that supported housing will be achieved by: (4) “allocating land specifically for supported housing through the Site allocations DPD”, and (5) “Actively supporting proposals, particularly for elderly accommodation and care provision for those with physical disabilities, learning difficulties and mental health needs”.

Policy 21 *Supporting the Rural Economy and its Communities* states “Development will be restricted to existing rural settlement boundaries and within identified major developed sites. Outside of these areas proposals should demonstrate the social and/or economic needs/benefits for the local rural community”. Given that this location is outside of a rural settlement the applicant should show social / economic benefits for the local community.

It is considered that the applicant has failed to explain why such a facility should be located in the countryside on a greenfield site. There is no detailed reference to any local demand for such a specialist facility, nor indeed who the expected end occupier/owner is intended to be. Furthermore, although the applicant refers to making 'best use of under-used land', there is no information supporting why this land could be considered to be a suitable location, or given its greenfield status, and countryside location, could be considered to be under-used.

Policy 4 which supports in principle the delivery of supported housing needs to be considered alongside other policies within the Core Strategy which direct development to within the defined Urban Boundary and to sites that can be considered to be previously developed. The applicant has not adequately demonstrated that a greenfield site in the countryside should be released for development and this proposal is therefore considered to be contrary to Policies 1 and 21 in particular of the Adopted Core Strategy for Rossendale.

### **Community Care Group (NHS)**

After an internal discussion within the CCG our position is that we are to discuss precise details of the proposal with the developer and will get back to you when there is more clarity.

### **LCC (Social Services)**

We know very little about this proposal - we have not been shown any plans by the applicant. We do not think that this is a suitable location and doubt the need.

We are strongly supporting a similar development in Rawtenstall (in partnership with Rosendale BC, Calico and the CCG). Below are comments from a colleague who has met with the Agent. The reference to 'LD' below was a suggestion for him to contact learning disability services to see if there would be interest, but he did not follow this up and in any case is now not considered to be appropriate.

Sue Warburton, Rebecca Lawlor (RBC) and myself met with Euan Kelly, who was representing Marantomark earlier this year. Euan advised that Marantomark had bought the land for development and wanted to know if Extra Care/Dementia was the model we would support. We didn't see any plans/proposals, however, from the short meeting and what we heard, we suggested the site wouldn't be any use to us for Extra Care/Dementia as its not accessible and with the possibility of a successful HCA bid we may be overloaded in Rossendale. We suggested that linking in with LD may be an option, but not aware that discussion with LD occurred.

Sometime after the meeting Rebecca informed us that the land owner had withdrawn from the sale with Marantomark we heard nothing more until these recent emails

So in summary, I don't support the development of Extra Care on this site, it's not an ideal location (rural and hilly) poor access and it is too close to Calico's development.

### **LCC (Highways)**

No objection to the above planning application on highway grounds subject to the following conditions, contributions and additional information.

#### Parking requirements

The care home will accommodate 84 residents (42 specialist care and 40 in close care apartments) with 94 full time equivalent staff over a 24 hour period.

I have asked the applicant to provide the staff shift change times to demonstrate the numbers of staff vehicles expected on site at any one time and also who qualifies to live in the close care apartments. We need this information to determine the level of parking that will be required.

31 spaces have been proposed to accommodate the staff and residents of the apartments.

There are 7 terraced properties on Burnley Road with no formal off street parking areas and 2 semi-detached properties named Hilbre and Willowbrook. In order to maximise the sightlines out of the access road to the proposed development it will be necessary to remove the on-street parking outside these properties. This will be of major detriment to the property owners and therefore as part of the proposal there are 15 spaces within the car park to the rear of the properties to accommodate the displaced vehicles. These spaces should be clearly marked with signage and/or road markings to designate the areas.

There are also 11 properties located on Bacup Old Road without off street parking that have been provided with 8 off street parking spaces under the proposal. The distance for manoeuvring out of these spaces is below the recommended standard. I would recommend that if these spaces are to be provided that they are made wider and longer than the standard space to aid manoeuvring. The Highway Authority would support the construction of these spaces to ensure that Bacup Old Road is free from obstructive parking due to its narrow width, although this would not be generated by the proposed development.

Northern Primary School is located on Burnley Road where the parents park to drop off and pick up their children. As mentioned above the works on Burnley Road to maximise the sightlines out of the access road junction will remove the on-street parking that is currently used by staff and parents. This will be of major detriment and therefore as part of the proposal 27 school staff and parent parking spaces have been proposed in the car park. During the evenings and weekend days these spaces will be free for use by the residents and staff.

#### Off site highway works

The proposed works on Burnley Road would widen the footway directly outside the school which will improve the safety for pedestrians. The carriageway width will be narrowed which will reduce the vehicle speeds on Burnley Road which has been highlighted by residents as a concern.

#### Accessibility and sustainability

The location of the proposed development generates an accessibility score of 16 which is considered the lowest score in the medium range of 16-23. There is an hourly bus service which stops on Burnley Road close to the development and it is approximately 1 mile to Bacup Town Centre where a bus could be caught to connect passengers to adjacent towns.

There are no off-road cycling routes or bridleways that connect this development to Bacup or other nearby towns and no nearby facilities within walking distance to facilitate the employees during the working day.

There is a concern that due to the limited travel options by sustainable modes that staff and visitors will be restricted to travel in the private car and that a section 106 contribution will be necessary to address this.

#### If the application is approved I would ask for the following conditions and contributions

Car parking spaces within the car park should be appropriately signed and / or marked to designate the areas for different groups.

The off-site highway works to improve the sightlines at the junction of the access road and Burnley Road should be completed by Lancashire County Council with a Section 278 Highways Agreement. This will include a TRO to prohibit parking on Burnley Road and the new access road to the development.

A construction-phase Traffic Management Plan should be approved by the Highway Authority prior to the commencement of the works. It will be necessary to construct the residential and school car parks before the off-site highway works are completed. Traffic movements by HGV to and from the site should be prohibited 15 minutes prior to and 15 minutes after the opening and closing times of the primary school.

The cycle and motorcycle spaces should be covered and secure.

A Travel Plan should be submitted and approved by the Highway Authority within 6 months of the occupation of the facility and should be reviewed annually for at least 5 years.

The staff shift change should not coincide with the opening and closing times of the adjacent Primary School.

The developer should provide a geotechnical report to confirm that the building of new properties (and associated works eg drainage) on the top of the slope will not affect the stability of the slope and also not apply any additional lateral force on to the retaining wall running along Burnley Road.

A contribution of £2,500 for a bus shelter at the northbound bus shelter on Burnley Road outside the school is required to improve the facility for bus passengers.

A contribution should be made for the bus service number 8 operated by Burnley and Pendle Travel to increase the frequency of the service. Alternatively a contract shuttle bus service could be provided for staff and visitors particularly to coincide with shift changes and visiting times (evenings and weekends). This contribution is necessary to improve the accessibility and sustainability of the site.

### **Coal Authority**

No objection subject to a condition.

It considers the content and conclusions of the submitted Phase 1 Desk Study sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the site is, or can be made, safe and stable for the proposed development.

It concurs with the recommendations of the applicant's Phase 1 Desk Study that, in light of the risk to the development posed by the potential coal mining legacy further intrusive investigations are required prior to development of the site in order to establish whether there is a need for remedial works to treat any shallow mine workings &/or any other mitigation measures (eg gas protection).

### **United Utilities**

No objection to the proposal provided that the following conditions are met :

No surface water from the development shall discharge directly or indirectly to the combined sewer network

The site must drain on a separate system, with only foul drainage connected to the foul sewer. Surface water should discharge to a Sustainable Drainage System, to accord with the application form and requirements of the NPPF and Building Regulations.

The water main supplying Lower Barn Farm and 1-7 Plantation View lies within the access road highlighted for enhancement and ought not to be harmed or have access to it restricted, or a diversion will be necessary at the applicant's expense.

A water supply can be made available to the proposed development.

### **Environment Agency**

No objection. However, we would like to make the following comments:

We note that although the Drainage design submitted shows an acceptable Greenfield run-off rate, the design outflows into a minor watercourse and the potential effect of this has not been fully assessed within the drainage strategy or the Flood Risk Assessment.

There could be an increase in flood risk to existing properties as a result of an outflow discharging into that watercourse.

Recommendation :

We would recommend that the Lead Local Flood Authorities Flood Engineers examine the impact that an outflow into the minor watercourse may have. We would suggest that the application is not determined until the potential impact is assessed and that you are satisfied that the development does not increase flood risk for the properties to the south of the development.

### **Lancashire Badger Group**

The submitted Ecology Survey is quite detailed, especially regarding the possibility of bats and newts on site, but not in respect of badgers or badger setts.

Weir has a high number of old drift mine workings and it is well documented that badgers use them as setts. Its own data base and involvement of badgers on Burnley Road either side of Northern Primary School mean it can be assumed there is a significant badger population in the area. The applicant's Ecologist needs to revisit the site and carry out a full badger survey before this application proceeds further.

## **8. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order the application has been publicised by way of a newspaper notice on 14/3/13, 5 site notices were posted on 18/3/13 and letters were sent to neighbours on 4/3/12.

Thirteen letters of objection have been received, making the following points :

- The development will result in existing residents having to look at very ugly buildings, not in-keeping with the traditional stone buildings in the area, and will cause a loss of light and privacy, thereby devaluing their properties.
- Light to/outlook from the houses on Step Row is already limited as the application site rises so steeply up and will be exacerbated by the scale of the proposed buildings, 2.4m high fence and any additional tree planting on the embankment.

- Preserve the countryside - there are far better sites for such development in/near to town - there are many brownfield or vacant developed sites that could be used for the proposed development, rather than this greenfield site.
- Two previous applications for residential development of the site have been refused permission. The current application may be for a different type of use but is not for agriculture/forestry/other use deemed appropriate to a rural area, without any overriding justification being put forward for doing so - it raises the same problems & objections and would set an undesirable precedent for other built-development elsewhere in the countryside. The proposed facility would be of no direct benefit for the local area and would be more appropriately sited on a brownfield site near better transport networks and hospitals.
- In respect of the job creation the submitted documents refer to 'potential' of the development to generate jobs, not there certainty.
- It is said that most people staying at the establishment will be special needs patients - assurance is sought that this will not cause problems put at risk local residents and children that attend the nearby primary school.
- Greatly impact on visual amenity of the area and some protected trees are to be felled.
- Existing traffic problems will be made worse - dangerous for local residents and children at the nearby school.
- Their intended access is a lane so narrow 2 vehicles cannot pass each other, is uneven and falls away towards the school. In bad weather the gradient upon it means cars have to park on the main road.
- Access on to Burnley Road from the unadopted highway presently poses difficulties for drivers in terms of sight lines, vehicles on the main road including HGVs and travelling faster than they should - there have been a number of accidents near the junction in recent years.
- Although parking/drop-off facilities for the school are proposed, parents of children being dropped off or picked are oblivious of road markings and obstruct the roads / drives / school entrances.
- Visitors and staff employed at the premises would not be able to use public transport since there is only one bus an hour in each direction at best during the day, with none in the evening or on Sunday.
- The submitted Drainage Strategy indicates that foul water generated by the development will be discharged to the combined sewer network at the junction of Bacup Old Road and Burnley Road, despite overflow from the manhole in the front garden of 9 Step Row after heavy rain. Likewise, directing surface water to the culvert beneath properties on Step Row is problematic as it has overflowed in the past causing properties to flood, with responsibility for the cost of unblocking and making good damage falling on residents.
- After heavy rain water at present pours off the land, exiting to Burnley Road through the drystone wall on the frontage, and any development of the site should address this matter.

- At the construction stage the development will cause significant disturbance due to vehicle/machinery noise/smells for many hours of the day for existing neighbours.
- Land nearby is well known for subsidence from old mine shafts and some old mines are not mapped.
- Haven for wildlife - the site is visited by foxes, deer, badgers, bats, nesting birds, etc

## 9. ASSESSMENT

The main considerations of the application are :

- 1) Principle; 2) Need for the Proposed Development; 3) Design/Visual Amenity;
- 4) Neighbour Amenity; 5) Access/Parking; & 6) Other Issues.

### Principle

The National Planning Policy Framework (March 2012) states that local planning authorities should apply the presumption in favour of sustainable development. However, it also states that *“This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”*

The Council only adopted the Core Strategy in November 2011. The application site lies within Countryside, approximately 600m to the south of the Urban Boundary of Weir and approximately 700m to the north of the Urban Boundary of Bacup. The site was not identified as a Major Developed Site in the preparation of the Core Strategy and, by reason of its distance from existing settlements, a change to its designation as Countryside is not being contemplated as part of the on-going Review of Urban Boundaries by the Forward Planning Team.

Accordingly, it is appropriate to consider whether the proposed development is appropriate in principle having regard to the designation as Countryside.

Policy 1 of the adopted Core Strategy relates to ‘General Development Locations and Principles’ and states that *“Development within Rossendale should take place within the defined urban boundary, unless it has to be in the countryside, and should be of a size and nature appropriate to the size and role of the settlement”*. The scale and nature of the proposed development is such that it ought to be located within an Urban Boundary. It is therefore necessary to consider the proposal contrary to Policy 1 and to have a presumption against permitting it unless the benefits of the proposal outweigh this presumption against and any other harms.

At this point it is appropriate to make mention of recent Government pronouncements, most particularly a Ministerial Statement by the Community Secretary of 6/9/12 and a Ministerial Speech by the Planning Minister of 10/1/13 :

That of the Communities Secretary, Eric Pickles, entitled ‘Housing and Growth’, was published on 6 September 2012 and states:

*“The Coalition Government’s number one priority is to get the economy growing. We must create the conditions that support local economic growth and remove barriers that stop businesses creating jobs and getting Britain building again.”*

*“House building starts across England were 29% higher in 2011 compared to 2009. But there is far more to do to provide homes to meet Britain’s demographic needs and to help generate local economic growth.”*

That of the Planning Minister, Nick Boles, in a speech on 10 January 2013 states :

*“We simply can’t squeeze much more out of brownfield sites. To restrict new housebuilding to brownfield land would leave us a long way short of the number of new homes we need....*

*If we are going to have any prospect of getting our current house-builders to build the number of new homes we need, we need them to have a pipeline of sites representing 3 to 5 years’ supply. That’s over a million units....*

*We have to accept that we are going to have to build on previously undeveloped land. And to resolve that we will make these decisions locally, and that we will build beautiful places like we used to.”*

Clearly Committee needs to be mindful of the benefits of the proposal in terms of job creation. The applicant envisages that the proposal has the potential to create 48 Full Time Equivalent (“FTE”) jobs on-site during the 15-month construction phase and 94 FTE jobs once operational, with the spend of those directly employed at the site further assisting the local economy/job creation. The current proposal is being promoted by the land owner rather than an operator of such developments, making the figures on job creation which have been provided less certain. Nevertheless, what is proposed constitutes a Major Development and will undoubtedly generate a significant number of jobs in construction and operation if it proceeds (although it can be presumed that they would also arise if the development were to be undertaken on a different site).

Prior to submission of the application the Agent was asked to identify the geographic area in which they considered the development needed to be undertaken if to meet the needs of the same population. Sites of the size of this one are not readily available within the Urban Boundary of settlements in the east half of the Borough, although this was not the only site then identified. Furthermore, Officers are aware of other sites of broadly similar size on the edge of the existing Urban Boundary of Bacup that are better served by public transport. As this application is promoted by the land owner, there is no case advanced by a provider of such developments to demonstrate the need for the different elements of use to be together - Building A is to provide ‘extra care’ accommodation for 40 residents similar to the Green Brook scheme at Whitworth which sites within an existing community and is not part of a ‘care village’. If the different elements of the current proposal do not have to be together the number and range of sites available for them would be still wider.

### **Need for the Proposed Development**

Policy 2 of the Core Strategy specifically refers to the provision of new housing and point 7 refers to prioritising the development of previously developed land. Point 7 (i) of Policy 2 allows for the development of un-allocated greenfield land where “it is for 100% affordable and/or supported housing” or as in point 7 (iii) of Policy 2 “it delivers a significant social, economic or environmental benefit”.

Policy 4 of the Core Strategy refers specifically to the delivery of affordable and supported housing within the Borough and notes that supported housing will be achieved by : (4) “allocating land specifically for supported housing through the Site allocations DPD”, and (5) “Actively supporting proposals, particularly for elderly accommodation and care provision for those with physical disabilities, learning difficulties and mental health needs”.



Policy 21 *Supporting the Rural Economy and its Communities* states “Development will be restricted to existing rural settlement boundaries and within identified major developed sites. Outside of these areas proposals should demonstrate the social and/or economic needs/benefits for the local rural community”.

That the site is for the most part greenfield, rather than brownfield, tells against the proposal.

It is undoubtedly the case that the number of people reaching retirement age is growing and more people are living longer as pensioners. This being the case I do not doubt that there is presently a degree of local need for the different elements of accommodation proposed. However, the scale of provision being proposed means accommodation will be provided for those who are not ‘local’ in the sense that the Agent has suggested provides justification for the proposal. In short, this location is outside of a rural settlement and the applicant has not adequately demonstrated the social / economic benefits for the local community to be compliant with Policy 21, nor the developments appropriateness to the size and role of this undefined settlement.

The Site Allocations DPD will in due course allocate land specifically for supported housing, but has not advanced to the stage that it does so. Having regard to the scale of the proposed development I might have been minded to recommend refusal of this application on the basis of prematurity in order that the Site Allocations DPD could advance to the point it allocate land specifically for supported housing. However, I do not do not recommend refusal of the application for reasons of prematurity. LCC Social Services has assessed the proposal and has concluded that this is not a suitable location for the proposed development - being too far removed from existing communities and their facilities / inaccessible other than by the private car - and doubt the need at the scale the development is proposed at. The Council’s own Regeneration and Housing Manager concurs with this view and the Community Care Group (formerly east Lancashire pct) does not say otherwise.

### **Design/Visual Amenity**

The scale of buildings and the proposed car parking areas are such that they will change the essentially open and rural character of a sizeable area of Countryside in a way that is urbanising. That said, the topography of the area, the Plantation View properties/belt of trees fronting Burnley and intended layout are being used to minimise the degree to which the development will be visible from the main road, although the development will undoubtedly be visible from public vantage points/rights of way and significant traffic will be generated by the proposal 24/7. The proposed buildings are to be constructed with regard to their intended function and, by reason of their design/facing materials, will appear of modern appearance. Having regard to the scale of them I do not think they would look any less intrusive for being of more traditional design/facing materials.

I am of the view that the proposal will cause serious harm to the essentially open and rural character of a substantial area of Countryside.

### **Neighbour Amenity**

The siting of the buildings is such that I do not have concern for how the development will impinge on privacy, light or outlook of neighbours generally, subject to avoidance of illumination from buildings &/or from external lighting systems. The development is tightest in respect of neighbour amenity issues relative to properties on Step Row.

The houses on the opposite side of Bacup Old Road already have limited light to/outlook from their front elevations as the application site rises so steeply up and this will be somewhat exacerbated

by the scale of the proposed buildings, 2.4m high fence and any additional tree planting on the embankment.

The principal ways in which the development will impact on neighbours - both local residents and the school - is through the disturbance arising during the construction and traffic movements associated with its subsequent operation. The former can be somewhat mitigated, but not avoided; the applicant envisages a construction period of 15 months. With respect to the latter, the school clearly gives rise to significant traffic movements and problems with parking/congestion at the beginning and end of its working day. The proposed development is a 24/7 operation in which there are 3 shift changes per day by staff and visitors to residents are likely to occur in the evenings and at weekends, when residents presently have respite from the school noise/associated activity. Whilst the proposed uses are not likely to generate a degree of noise and disturbance that would constitute a statutory nuisance in terms of Environmental Health legislation I am nevertheless concerned about the way in which the development will impinge upon the amenities of neighbours in the vicinity of the access road at times they currently have respite from the school, all the more so as the Highway Authority is keen that staff shift-changeovers do not clash with school start and finish times.

### **Access/Parking**

Although the Applicant contends that the application site is located within walking and cycling distance of Bacup town centre, and a large surrounding residential area from which a proportion of staff and visitors might reasonably be expected to be drawn, for the scale of development proposed and the staff and visitor number involved, I consider this location unsustainable. For anyone wishing to walk to the site from the settlement of Bacup there is no continuous footway and cycle is not facilitated by a dedicated cycle lane or encouraged by the speed of vehicles/curvature/lighting of the road. Likewise, whilst the site is accessible during the day on Mondays to Saturdays by bus it is an hourly service and there is no service in the evenings or on Sundays, making private car use likely, notwithstanding the suggestion of a Travel Plan to try to divert trips to other modes.

I can appreciate why LCC Social Services has concluded that this is not a suitable location for the proposed development - being too far removed from existing communities and their facilities / inaccessible other than by the private car. Having regard to the age profile of those resident at Green Brook in Whitworth and other such facilities, an extra-care unit in this location would not enable residents to maintain links with their existing local community and friends of comparable age. LCC Highways suggestion the site could be made more sustainable by a section 106 contribution to enhance travel options by sustainable modes may work to a degree with respect to staff but in my view would do little to avoid the residents of an establishment in this location being isolated from their existing local community and friends of comparable age.

LCC Highways has not raised objection to the proposal by reason of inadequate parking/access arrangements. There is a concern in my mind however that, despite the provision of a car park/turnaround area for parents to use when dropping-off/picking up their children they will still want to do so on the road to the side of the school and near its junction with Burnley Road, exacerbating existing problems of safety/congestion with the addition of traffic associated with the proposed development.

### **Other Issues**

Concerns have been raised by consultees and local residents regarding existing surface-water drainage issues and the presence of badgers. Whilst I do not have reason to think there are insuperable problems in addressing these outstanding matters, equally the applicant has not to date shown how they can be adequately addressed.

## 10. RECOMMENDATION

That Permission be Refused

Reasons for Refusal

1. The proposed development is of significant scale for a site that is located in the Countryside, well away from the Urban Boundary of settlements, and is not easily accessible by means of travel other than the private car. Furthermore, the proposed development by reason of the scale and form of the proposed buildings, associated parking areas and traffic movements will detract to a significant extent from the essentially open and rural character of the Countryside and by reason most particularly of its traffic movements will unacceptably impinge upon the amenities of neighbours in the vicinity of the access road at times they currently have respite from the school. The application has not fully addressed concerns in relation to surface-water drainage and badgers.

It is considered that the applicant has failed to explain why such a facility should be located in the countryside on a greenfield site, most particularly by reference to local demand for a specialist facility of the size proposed and through demonstrating that there are not more appropriate sites available for the uses proposed. Notwithstanding the case advanced by the applicant in favour of the proposed development by reason particularly of need for the proposed accommodation and job-creation, the proposed development is considered to be contrary to Sections 1 / 3 / 4 / 6 / 8 / 10 / 11 the National Planning Policy Framework and Policies AVP2 / 1 / 2 / 4 / 8 / 9 / 18 / 21 / 22 / 23 / 24 of the adopted Rossendale Core Strategy (2011).