

Application Number:	2013/0075	Application Type:	Full
Proposal:	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	Location:	Land off Burnley Road, Weir
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	23 July 2013
Applicant:	Park Lane & Co Developers	Determination Expiry Date:	30 May 2013
Agent:	Euan Kellie Property Solutions		

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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	Yes
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 4.

2. BACKGROUND

This application was reported to the meeting of Committee held on 28 May 2013, with an Officer Recommendation for Refusal; a copy of that report is appended. Committee deferred decision on the application.

The Officer Report recommended refusal for the following reasons :

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).

Committee resolved :

“That the application be deferred in order to receive a full badger survey and allow further discussions in relation to other matters, most particularly improving the public transport and possible conditions in the event that committee where minded to approve the application.”

3. ASSESSMENT

Since the Committee meeting on 28/5/13 things have moved on as follows :

Need / Site Selection

This proposal is on a site which is shown on the Proposals Map to be located in the Countryside, well outside of the defined Urban Boundaries of the settlements of Bacup and Weir. That the site is for the most part greenfield, rather than brownfield, and not on a route well served by public transport also tells against the proposal.

The Agent has re-iterated that their Client seeks consent for a high quality Health Care Campus and has drawn attention to 20 care home schemes elsewhere in the country that have also been located in the countryside, though no context is given to these examples in order to make valid comparisons.

The Agent has also submitted a Supplementary Site Search Report to be more explicit in terms of outlining why, and how, certain sites in Rossendale are more suitable than others and, above all else, why their Client's application site should be considered an appropriate and acceptable location for the proposed development.

In the earlier Report I advised :

“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.”

This remains the case, notwithstanding the Agent’s comment that there are care homes elsewhere that are located in the countryside and the contents of the Supplementary Site Search Report.

Concern remains that the demanding site selection criteria requirements have been identified and are being driven by the landowners view of operators’ needs / desires rather than by an identified operator.

Even with the demanding site selection criteria, 5 sites within Rossendale were identified as having passed for initial assessment and requiring further examination in the applicant’s study. The applicant refers to the Council’s Strategic Housing Land Availability Report (SHLAA) and Five Year Land Supply as being reasons for why these sites are unsuitable. However this is not a reason why, in principle, these sites would not be supported for the accommodation currently being proposed at Broadclough. The Council is committed in Policies 2 and 4 to delivering supported housing schemes, and point 4 of Policy 4 states that land will be allocated for supported housing through the forthcoming Site Allocations DPD. In identifying sites the Council will be consulting with organisations, including Lancashire County Council. In addition it is expected that, unless further guidance is forthcoming from the Government, information provided in publications such as “Housing in later life – planning ahead for specialist housing for older people”, which provides a Toolkit, will be taken into account. This highlights the importance of being close to facilities, and public transport, and accessible to major centres of population via good transport links. For reasons previously expressed, the Broadclough site is not considered to be in a sustainable location or in as a sustainable location as these alternative sites.

Finally, it remains the case that the agent does not appear to have evidenced that he has made approaches to the owners of the alternative sites, consequently, it cannot be said they are not available.

Since the previous Committee meeting I have re-consulted LCC Social Services and the NHS Community Care Group; neither previously expressed support for the scheme. No further comment has been received from the latter. However, LCC Social Services has stated :

“Our concerns have not changed as a consequence of the withdrawal of the Rawtenstall proposal. In our view the Weir site is not suitable due to its rural location, poor access, lack of amenities and the hilly nature of the area is not good for those with poor mobility.

We would not support this development for specialist services such as severe learning disability or autism (which I understand has been proposed as an alternative to elderly care) as we do not want large congregated services for these client groups.

We have expressed these views to Euan Kellie who represents the developer. I continue to be surprised that the developer thinks this is a good location for such a development.”

Your Officers remain of the view that the Applicant has not advanced the case to warrant an exception to Countryside policy to be made for so sizeable a development in so unsustainable location.

Transport

The site is not well served by bus services, which presently do not operate during the evenings or on Sundays.

The Applicant has investigated the options of making a contribution to supplement existing bus services and operation of their own shuttle service to meet the needs of staff at the times of shift change-overs, for their residents/patients and visitors. They favour operation of their own shuttle service, as too does LCC Highways; appended is an outline of their proposal. Comments of LCC Highways on its adequacy are awaited, most particularly on whether the route operated should be limited to Bacup to Weir, or needs (on occasion) to extend beyond this. Nevertheless I am satisfied it forms a suitable starting-point for discussion. Any comments received from LCC Highways will be reported to the meeting.

The Agent advises that with suitable arrangements in place for operation of the shuttle services (in addition to the existing daytime bus services) there will be sufficient car parking spaces on-site. The Highway Authority concurs.

Drainage / Badgers

My previous report stated :

“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.”

Drainage

To address concern about surface-water from the development discharging into the small brook on Step Row (to the south of the site) an amended plan has been submitted; a copy of the new plan is appended. It proposes installation of an underground tank within the application site to regulate the rate of discharge, with a connection either to the existing surface-water sewer in Burnley Road or to discharge directly to the River Irwell further to the east.

United Utilities, the Environment Agency, LCC Drainage and the Council’s own Drainage Officer have been consulted on this proposal. Comments from United Utilities are awaited. The Environment Agency and LCC Drainage consider that each other should comment on the adequacy of the proposal. The Council’s own Drainage Officer has advised that he is satisfied the options set out provide a suitable basis on which planning permission can be granted, subject to a Condition requiring submission and approval by the Council of full details of the drainage solution to be implemented prior to the commencement of development.

Badgers

I have received from the Applicant an Addendum to the Ecology Report which confirms that :

“the survey and report covers the entire application site red line boundary and also the surrounding land to over 30m and that there is no evidence of badgers using the site or the surrounding surveyed land.”

This satisfactorily addresses my previous concern that the survey undertaken had not covered the entire application site, and a suitable margin beyond, and consequently it had not been adequately demonstrated that the proposed development would not cause harm to this protected species.

4. RECOMMENDATION

That Permission be Refused for the following Reason :

Reason for Refusal

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.

It is considered that the applicant has failed to explain why such a facility should be located on a greenfield site in the Countryside, most particularly by reference to local demand for the specialist facilities 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 / 11 the National Planning Policy Framework and Policies AVP2 / 1 / 2 / 3 / 4 / 9 / 18 / 21 / 23 / 24 of the adopted Rossendale Core Strategy (2011).

