

UPDATE REPORT

**FOR DEVELOPMENT CONTROL COMMITTEE
MEETING OF 28 MAY 2013**

B1. 2013/0075 - Land off Burnley Road, Weir

Since publication of the Officer Report the Agent has sent in the attached letter, in which they state that :

1. They are disappointed with the recommendation for Refusal and the short time they have been given to resolve outstanding issues, considering this contrary to NPPF provisions and Government pronouncements in which Local Planning Authorities are encouraged to *"approach decision-taking in a positive way", "look for solutions rather than problems" and "work proactively with applicants to secure developments..."*.
2. Contrary to the view expressed by Officers, the scheme complies with the NPPF, is consistent with regional and sub-regional policy considerations (whilst recognising the RSS has now been revoked) and responds positively to Core Strategy policies.
3. The Socio-economic Assessment submitted with the application provides detailed justification for the local demand for a specialist facility of the size proposed.
4. In terms of demonstrating that there are not more appropriate sites available, this matter was addressed in the Site Search Report submitted (but which is not specifically referenced in the Officer Report).
5. They are astonished by the comments of LCC Social Services stating *"We know very little about this proposal - we have not been shown any plans by the applicant. We do not think this is a suitable location and doubt the need"*.
6. We disagree with the assertion in the Officer Report that *"the proposal will cause serious harm to the essentially open and rural character of a substantial area of Countryside"*.

7. We note and welcome LCC Highways response, which raises no objection, and are willing to enter into discussion with it in respect of the S.106 Contributions outlined in their letter.
8. We are surprised that the Officer Report says "*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*".

Officer Response

1. I can appreciate the disappointment of any Applicant/Agent on learning that their application is being recommended to Committee for refusal. However, the recommendation is not inconsistent with the advice provided in pre-application meetings which had taken place with the Agent involving your Planning Officers, the Council's Housing & Health Manager and Officers of both LCC Social Services and LCC Highways. Officers are of the view they have sought to enter into discussions constructively but also must be realistic with applicants when outlining the specific issues / challenges they need to face.
2. Having regard to the views expressed in the pre-application meetings the Agent will have been aware when submitting the application that Planning Officers viewed the proposed development as being inappropriate in principle in policy terms having regard to the site being largely Greenfield, located within the Countryside, and not easily accessible by means of travel other than the private car, and that key consultees were not persuaded that there was either a local need for the accommodation proposed or this an appropriate location for its provision in any case.
3. The Socio-economic Assessment submitted with the application provides information upon the increase in Over-75 population that can be expected in coming years in Rossendale, and consequent increase in demand there will be for extra-care and dementia accommodation. What the submission does not do is demonstrate there to be local demand for a specialist facility of the size proposed. Nor are key consultees persuaded that such a case can be made.
4. It is the case that the Officer Report does not specifically refer to the Site Search Report submitted in the list towards the bottom of Page 6 of the Officer Report. An oversight on my part arising as it was not submitted with the application or referred to in the Agent's covering letter with the application.

However, in relation to the Site Search issue the Assessment Section of the Officer Report states "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...". The Site Search undertaken by the Agent at the pre-application stage was limited to the east half of the Borough as the Provider they then had on-board indicated this was their preferred geographic location. On that basis the Site Search did not reveal the application site to be the only or preferable site.

The Site Search Report subsequently submitted by the Agent to accompany the application is less favourable to them, it not being limited to the east half of the Borough. For completeness, I would advise that it had as search criteria the following :

- Minimum site size of 1.5 hectares (3.7 acres). This would ensure that a campus development could be delivered with associated high quality landscaping and sufficient room for parking provision.
- Low risk of flooding (Flood Zone 1).
- Excellent accessibility for staff, visitors and servicing. This requirement is critical year-round and takes account of constraints such as poor weather, access and egress, and proximity to a major road.
- No nearby incompatible land uses. This is of particular importance taking into account the sensitivity of the proposed land use and the need for a peaceful, relaxing environment for the residents.
- Ideally greenfield / no contamination issues. Understandably our client wishes to avoid major abnormal costs (such as site remediation and conversion of buildings) which may affect the viability of the proposed development.

On the basis of consideration of the Borough as a whole one might have expected these criteria to throw up a greater number of sites. In the event only 3 sites within the Borough were said to have been identified as "*potentially acceptable*", but consider the application site is the '*optimum site*'. However, when one looks at the assessment sheets for individual sites it is apparent that many other "*potentially acceptable*", sites have been discarded on the basis that they are "*too big*", "*land value may potentially preclude development*", "*clearance required*" or "*previously developed site therefore remediation may be required*". I do not consider sites which are otherwise considered to meet the criteria can be so easily discarded, particularly as in some instances the site is better than the application site in terms of the stated criteria and in terms of planning policy considerations.

5. The reservations LCC Social Services has now expressed about the “[un]suitable location and doubt the need” are consistent with those expressed at the pre-application stage.
6. Officers hold to the view that “*the proposal will cause serious harm to the essentially open and rural character of a substantial area of Countryside*”.
7. LCC Highways response raises no objection subject to the Developer being bound by a S.106 which will require them to provide a contract shuttle bus service for staff and visitors particularly to coincide with shift changes and visiting times (evenings and weekends) or a contribution made for the bus service number 8 operated by Burnley and Pendle Travel. Whilst the Agent has given an indication that they are “*willing to enter into discussion with [LCC Highways] in respect of the S.106 Contributions*” either of these options would entail such considerable cost I consider that there is a need for the applicant to have made a meaningful offer.
8. The Officer Report refers to outstanding concerns in relation to surface-water drainage issues and the presence of badgers. Having arrived at the view that the application should be refused for other reasons I did not wish to put the Applicant to unnecessary expense in resolving these matters, but would re-iterate that I do not have reason to think there are insuperable problems in addressing these matters.

Accordingly, Officers remain of the view that the application should be Refused for the reason set out in Section 10 of the Report.

B2. 2013/0041 - Land opp 449-457 Bacup Road, Hareholme

Having received amended drawings that better incorporate the wishes of the Highway Authority regarding the form of the turning head and provision of parking Condition 2 should read as follows :

The development shall be carried out in accordance with the plan numbers 3061:18 E, 3061:02 A, 3061:03 A, 3061:05 A, 3061:06B, 3061:07, 3061:08, 3061:09, 3061:10, 3061:11, 3061:12, 3061:14, 3061:15, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to accord with Policies 1 and 23 of the Council’s Core Strategy DPD.