

Neil Birtles  
Rossendale Borough Council  
One Stop Shop  
Town Centre Offices  
Lord Street  
Rawtenstall  
Rossendale  
BB4 7LZ

Our ref ESK/BR/FINAL

Peter House  
Oxford Street  
Manchester  
M1 5AN

By e-mail only:  
neilbirtles@rossendalebc.  
gov.uk

+44(0)7971 871 286  
www.euankellie.co.uk

21 May 2013

Dear Neil,

**Planning Application Reference: 2013/0075**  
**Full Planning Application for the Erection of a Health Care Campus**  
**Land off Burnley Road, Bacup**

I write on behalf of our client Park Lane & Co Developers further to the publication of Rossendale Borough Council's ("RBC") Development Control Committee Report, dated 28 May 2013 (referred to hereafter as the "Report").

We are disappointed to see that the Council has recommended the planning application for refusal, and that the Council chose to advise us of this decision by letter – rather than by e-mail or 'phone – and at very short notice (ten days before Planning Committee). By making this decision we have been denied the opportunity to resolve any outstanding issues.

Throughout the planning application process, both before and after submission, we have sought to engage in a positive, pro-active, and courteous manner with interested parties – reflected by the extensive pre-application meetings that were held between July and December 2012 (see Statement of Consultation submitted with the application, paragraphs 3.1 to 3.4), along with the Public Exhibition that was held on 26 November 2012.

Indeed, we would argue that the Council's approach is at odds with the provisions of paragraphs 186 and 187 of the National Planning Policy Framework ("NPPF") – along with the statutory requirements outlined in the DCLG letter to Chief Planning Officers dated 18 September 2012<sup>1</sup> – where 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 that improve the economic, social and environmental conditions of the area."

Taking into account the Council's two reasons for refusal, we have arranged our responses to the issues raised in the Report under the following headings:

- (i) Principle of Development.
- (ii) Need for the Proposed Development.
- (iii) Design and Visual Amenity.
- (iv) Access and Parking.
- (v) Other Matters.

We will deal with each issue in turn.

---

<sup>1</sup> <http://tinyurl.com/klys9hw>

## Principle of Development

We disagree with the assertion outlined in the reason for refusal 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."*

The Planning Policy Compliance Statement prepared by Euan Kellie Property Solutions (submitted to RBC on 18 February 2013) sets out how the scheme:

- Complies with the NPPF, in particular: the 'three dimensions' to sustainable development; the 12 Core Planning Principles; and, paragraphs 18 to 219 of the NPPF which "*taken as a whole* constitute the Government's view of what sustainable development in England means in practice and the planning system" (our emphasis). This is particularly relevant given the provisions of Core Strategy Policy 1 which states that: "*Green Belt & Countryside Proposals outside the urban boundary will be determined in accordance with the relevant national and local planning guidance.*"
- Is consistent with key messages detailed in recent planning appeal decisions, along with other material considerations such as Written Ministerial Statements and Ministerial speeches.
- Is consistent with regional and sub-regional policy considerations (although we recognise that the Regional Strategy for the North West will be revoked on 20 May 2013<sup>2</sup>).
- Responds positively to Core Strategy policies 1-4, 6, 9, 16-19, 21 and 23; along with the Council's Interim Housing Policy Statement, Strategic Housing Market Assessment, and Statement of Community Involvement.

The Socio-economic Assessment prepared by Craggs Consulting (submitted to RBC on 19 February 2013) provides detailed justification for the local demand for a specialist facility of the size proposed. The Assessment makes reference to:

- A study by the N8 Research Partnership which concluded that by 2036 there will be 82% more people aged 75 or over in Rossendale than there were in 2011, and an increasing need for social care in its broadest sense due to increasing numbers of people living with limiting long-term illness, poor health and longstanding health conditions. Yet the Socio-economic Assessment revealed that, both in terms of the number of care homes and capacity, very little is provided locally that can provide appropriate nursing care.
- The 2008 'Extra Care Housing in Lancashire – Meeting the Needs of an Ageing Population in Lancashire' by the Overview and Scrutiny Management Committee of Lancashire County Council, which concluded that the demand for extra care housing in Lancashire exceeds provision, and as many as 6,462 additional extra care housing units would be required in the county. Since this time, very few extra care housing units have been developed in the county and only one within a 10 mile radius of the application site, namely Green Brook House in Whitworth. On this basis the Assessment concluded that there is a requirement for further extra care housing in the area.

In terms of demonstrating that there are not more appropriate sites available, this matter was addressed in the Site Search Report prepared by Euan Kellie Property Solutions (submitted to RBC on 10 March 2013) and the accompanying covering letter of the same date, also prepared by Euan Kellie Property Solutions.

---

<sup>2</sup> <http://www.legislation.gov.uk/ukSI/2013/934/introduction/made>

We note that the Site Search Report has not been included in the list of application documents shown on page 6 of the Report. We enclose with this letter, in **Appendix 1**, a copy of the covering e-mail submitted alongside these documents, along with an e-mail from RBC, dated 15 March 2013, confirming receipt of the documents. We ask, therefore, that RBC Development Control Committee be made aware of this report by way of the Late Information Report.

The Site Search Report provides justification for proposed development in the countryside (in line with Core Strategy Policy 1) by outlining the 417 sites in Rossendale that were considered by our client. The Report concludes:

*"Having undertaken this 'site search' it is important to outline that whilst other sites may exist in Rossendale that can be defined as "preferable" in town planning terms – due to their location within or adjacent to the urban boundary and having been previously developed – they are very limited in number, certainly for the quality and quantity of development proposed by our client, which has been tailored to meet local needs and provide flexibility for the final operator.*

*In addition, the application site is the 'optimum site' for our client in the sense that they have reached an agreement with the land owner and are currently in discussions with a number of potential operators who have expressed an interest in occupying the development once complete. Indeed, the suitability of the site for the proposed land use was reflected by the interest shown by specialist care operator Marantomark who worked closely with our client on the 'site search' exercise (as outlined in our confidential letter to RBC dated 8 February 2013).*

*Furthermore, we have demonstrated in the planning application submission that the site is suitable for the proposed land use in the sense that it has been sensitively designed to ensure compatibility with the surrounding environment. The scheme can also be delivered within 18 months of planning permission being granted – thereby playing a crucial role in responding to an identified local need."*

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

We are astonished by the statement made by Lancashire County Council Social Services ("LCCSS") on page 10 of the Report:

*"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."*

Contrary to this, Table 1 below summarises how we have sought to engage in discussions with LCCSS over the past six months.

<b>Date</b>	<b>Action</b>
3 December 2012	Met with LCCSS, the purpose being to introduce the proposals and commence discussions regarding the specific care that would be provided as part of the proposals. Plans were also presented at this meeting and these have not materially changed since this time.
6 February 2013	Meeting was due to take place with RBC and LCCSS officers to discuss the proposals in more detail. This meeting was cancelled by RBC by e-mail on the morning of the meeting.
8 February 2013	We wrote to RBC on a Private and Confidential basis – copied to LCCSS officers – and offered to meet to "discuss the particular requirements that we understand they might have for care provision in this part of Rossendale." No response was received.
21 March 2013	We wrote to RBC by e-mail – copied to LCCSS officers – and offered to meet to discuss the proposals. We also advised that the application had been submitted, registered and validated and provided a link to the application website. No response was received.

Date	Action
30 April 2013	We wrote to RBC by e-mail – copied to LCCSS officers – and offered to meet to discuss the proposals. No response was received.
19 May 2013	Further e-mail sent to LCCSS officers inviting a meeting to discuss the application. No response was received.

Table 1

Taking into account the content of Table 1 we believe it is unreasonable for LCCSS to state that “we suggested that linking in with LD [Learning Difficulties] may be an option, but not aware that discussion with LD occurred” for the simple reason that we have endeavoured to engage with their representatives – and RBC – over the past six months and they have chosen not to respond.

For the same reason we also believe it is unreasonable for LCCSS to state:

*“Sometime after the meeting Rebecca [Lawlor of RBC] informed us that the land owner had withdrawn from the sale with Marantomark we heard nothing more until these recent e-mails.”*

### Design and Visual Amenity

We disagree with the assertion that “the proposal will cause serious harm to the essentially open and rural character of a substantial area of Countryside.”

The extract from the Design and Access Statement detailed below, prepared by Shack Architecture, illustrates how the scheme fits into the site and the surrounding context:

*“The site and consequently any buildings will be very difficult to see from Burnley Road, particularly with the steep slope and extensive tree screen occupying this part of the site. Heading south down Burnley Road and the site is completely obscured by the cottages immediately adjacent to the school.*

*The only tangible views into the site are from the west and an observer must gain some height along Bacup Old Road, currently little more than an infrequently used single track lane, before any aspect of the site is revealed. There are two significant views of the site from this lane:*

- *From the farm complex to the west as the lane turns north and;*
- *A short walk further along where the boundary walls reveal a view from the north west.*

*Both of these views [illustrated in the Design and Access Statement] show the site as a distant view across the hillside, framed by the cottages and school and the tree belt running down to Burnley Road*

*The scheme responds well to its context. The built form is considered as an extension of the existing built form. Materials will be sympathetic to context and the architecture, whilst contemporary in nature, will be mindful of its neighbours. The use of the natural slopes of the site will provide shelter and enable buildings to be set into the hill which will reduce their apparent mass. Careful choice of roof materials will ensure that the buildings harmonize with their surroundings when viewed from the open countryside.*

*The palette of materials has been carefully chosen to reflect the local area and consists of slate for all roofs, natural stone and render for walls with areas of sweet chestnut timber cladding to selected walls. All retaining walls within the site are constructed from natural stone, whilst the drystone wall surrounding the upper part of the site will be repaired and reinstated as part of the works.*

*The materials are employed in large 'blocks' to help with the scale of the buildings and are designed to visually break the larger buildings into smaller units, echoing the terraced approach of the smaller properties which surround the site."*

### **Access and Parking**

We note and welcome LCC Highways response to the planning application, dated 5 April 2013, which raises no objection. As you know, we provided details in respect of shift patterns by e-mail dated 9 April 2013. Our client is also willing to enter discussions with LCC Highways in respect of the Section 106 Contributions outlined in their letter.

Furthermore we also enclose, in **Appendix 2**, a response from TPP with regard to the letters of objection received from Development and Transport Planning Consultancy.

### **Other Matters**

We are surprised to note the statement on page 18 of the Report:

*"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."*

Having received a copy of the Environment Agency's response dated 27 March 2013, we note that they made the following recommendation:

*"We would recommend that the Lead Local Flood Authorities Flood Engineers ["LLFAFE"] 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 that the development does not increase flood risk for the properties to the south of the development."*

Following receipt of this correspondence from RBC on 28 March 2013 we are not aware of any information that has been put forward by the LLFAFE – hence, our client has not submitted any additional information on this point.

Appointed flood and drainage consultants, Scott Hughes Design, have advised that an alternative option – should the LLFAFE have any concerns – would be to construct a new outfall across Burnley Road to the main river. In other words, an alternative outfall option could be suitably accommodated if it required and, therefore, is not a reason for refusal.

In terms of Badgers, we submitted two reports to RBC on 22 April 2013 – both of which had been prepared by Scott Fitzgerald Tree Consultants. These were: Results of a Preliminary Bat Assessment; and, Results of a Terrestrial Mammal Survey to RBC. As stated in our covering e-mail we also 'copied in' Andy Hardman of the Lancashire Badger Group (see **Appendix 3**). We have received no response from RBC following submission of these documents.

### **Summary and Conclusion**

We are disappointed to see that the Council has recommended the planning application for refusal, and that the Council chose to advise us of this decision by letter – rather than by e-mail or 'phone – and at very short notice (ten days before Planning Committee).


Throughout the planning application process, both before and after submission, we have sought to engage in a positive, pro-active, and courteous manner – reflected by the extensive pre-application meetings that were held between July and December 2012 (see Statement of Consultation submitted with the application, paragraphs 3.1 to 3.4), along with the Public Exhibition that was held on 26 November 2012.

It is prudent, at this point, to re-iterate our justification for the proposed development which will provide local economic benefits whilst responding to local needs:

- The proposals have the potential to create 48 Full Time Equivalent ("FTE") jobs on-site during the construction phase. A further 15 FTE jobs are estimated to be created in Bacup and across the wider Rossendale economy due to the indirect and induced effects of this construction activity.
- The scheme may also create 94 FTE jobs on-site once operational, comprising: 8 management/senior staff; 22 registered nurses; 50 care assistants; 5 catering staff; 8 domestics for cleaning duties; and 1 person to perform clerical duties. 14 further FTE jobs will be generated as a result of the induced effect of this new source of employment.
- Most existing care home provision is between 7.5 and 10 miles away from the application site and very little is provided locally. There is only one care home within 2.5 miles providing nursing care for people with mental conditions – this only 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.
- 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. These provisions have been recognised by LCC Highways in their letter dated 9 April 2013 which confirms that they have no objection to the proposals.

We would be grateful if this letter could be added to the planning file and reported to Development Control Committee on 28 May 2013. If you wish to discuss further then please do not hesitate to contact me by e-mail or 'phone.

Yours sincerely,



**Euan Kellie MRICS MRTPI**  
euan@euankellie.co.uk

Enc.

Appendix 1-3

cc (all by e-mail):

Helen Lockwood	-	Rossendale Borough Council
Anne Stora	-	Rossendale Borough Council
Adrian Smith	-	Rossendale Borough Council
Stephen Stray	-	Rossendale Borough Council
Rebecca Lawlor	-	Rossendale Borough Council
Cathy Lord	-	Rossendale Borough Council
Phil Halsall	-	Lancashire County Council
Jayne Mellor	-	Lancashire County Council
Ann Smith	-	Lancashire County Council
Kelly Holt	-	Lancashire County Council
Susan Warburton	-	NHS East Lancashire
Claire Barnes	-	NHS East Lancashire
Antony O'Toole	-	Shack Architecture