

Application Number:	2013/168	Application Type:	Outline
Proposal:	Erection of 3-storey 39-bedroomed Care Home	Location:	Site of Bacup Health Centre, Yorkshire Street, Bacup
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	18 June 2013
Applicant:	Dr K Satkunam	Determination Expiry Date:	15 July 2013
Agent:	Pooch Limited		

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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	<input checked="" type="checkbox"/>
Other (please state):	

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 granted subject to the Environment Agency withdrawing its objection and the Conditions set out in Section 9.

2. SITE

This application relates to a broadly rectangular site, of approx 0.2ha in area, which is located in a prominent position on the corner of Yorkshire Street (A681) and Hammerton Green. The site is located just beyond the edge of Bacup Town Centre, as designated in the Core Strategy, and is within Bacup Town Centre Conservation Area.

The site was most recently occupied by a 1-storey building of modern design, with a flat-roof and brick/timber-boarded walls. Formerly occupied as a health centre, the building was demolished after a number of years in which it was vacant and increasingly of poor appearance. Setback some way from Yorkshire Street, the building sat over the course of the River Irwell; the floor slab of the building having been retained the river continues to be culverted.

By virtue of its setback, the building does not obscure As the Town Centre is approached down Todmorden Road the public have view of the gable of 17 Yorkshire Street and the rear of Library building terraced properties of traditional design/materials that front Irwell Terrace. To the opposite side of Yorkshire Street to the site is another building of traditional design/materials (occupied by Bacup Natural History Society & Museum) and a well-maintained landscaped area. To the opposite side of Hammerton Green is a 2-storey building of traditional design/materials which has been converted to residential use. To the rear are terraced houses of more recent construction; although facing towards the application site they have little view of it as it is at a lower level and there is a mature hedge and trees on the party-boundary.

3. RELEVANT PLANNING HISTORY

2009/257 Demolition of existing building and Erection of 3-storey 39-bedroomed Care Home

This application sought to replace the existing building with one of 3-storeys in height, with a 1-storey lean-to projecting from the west side. In order that the new building did not sit over the River Irwell it was to be sited marginally closer to Yorkshire Street. The 3-storey element of the building was to have a length of 35m, a width varying between 9m and 13m, and with a gutter-height of 8m and a ridge-height of 11m. Its walls were to be constructed of natural coursed stone, the windows to be of oak-coloured UPVC/sash appearance, with stone lintels/sills. The hipped and pitched-roofs of the building were to be covered with natural slate, with two chimney stacks breaking the ridge-line.

The main entrance to the building was to be in the southern elevation, facing towards a 12-space car park/service area to be accessed of Hammerton Green, and within which were to be built a cycle-store and bin-store. A small private garden area was to be formed towards the south-western corner of the site, whilst between the building and Yorkshire Street was to be a 6m-7m wide landscaped strip fronted by a low stone wall. On the party-boundary between 17 Yorkshire Street and the site the low stone wall presently to be seen is topped by a metal railing. It was intended to extend the metal railing over the low stone wall that continues up the western boundary of the site and introduce planting

behind it, thereby helping to make the rear garden area more private/secure. Although the shrubs/trees on the bank rising up towards the southern boundary were to be thinned, the mature hedge/trees on the boundary itself were to be retained.

To enhance intervisibility between the drivers of vehicles exiting the proposed car park and Hammerton Green the existing railing/planting down the eastern boundary of the site were to be removed and then replaced with a greater setback from the highway, a footway being provided within this margin of land. The applicant also agreed to undertake/fund road-markings at the Tong Lane/Hammerton Green junction, to better delineate vehicle priorities.

In respect of this application RBC (Regeneration) advised that “*The existing building has town centre prominence and at present is redundant and subject to anti social behaviour....The proposed development would help fill a gap in housing care provision and would also bring a new business in to the area*”. The Council’s Conservation Officer advised that “*The site is currently a blight on the area and a negative factor in the character of the conservation area.....The proposal is of reasonable scale and bulk, in-line with the existing buildings towards St James’ Square. The main elevations and roof when seen from travelling down Todmorden Road will fit in with traditional patterns and add to the local scene. These elevations provide symmetry and also follow the local relationship of solid (walls) to void (windows), providing consistency with the buildings around. The proportions in the main elevations are good....The general impression is of a plain/unadventurous design, which will sit well in its context. As amended, the boundary treatment follow traditional patterns*”.

The Flood Risk Assessment accompanying the application demonstrated to the satisfaction of the Environment Agency that people and property will not be at undue risk as a result of a flood event, subject to the building having a floor level no lower than 254m AOD, as was proposed. LCC (Highways) was satisfied with the scheme in terms of the off-street parking /service facilities proposed. However, it did express concern about the form of the access-point proposed to Hammerton Green, given its proximity to the junction with Tong Lane and Yorkshire Street. At its request, the scheme was amended to provide a footway/improved visibility to the south-east side of the access-point and the applicant agreed to undertake/fund road-markings at the Tong Lane/Hammerton Green junction, to better delineate vehicle priorities. On this basis the Highway Authority had no objection to the proposal.

Committee considered this application at its meeting in September 2009 and, in accordance with the Officer Recommendation, granted Full Permission. It has become time-expired.

3. THE PROPOSAL

The same applicant as previously now seeks permission for the same scheme. However, whereas the previous application sought Full Permission the current application seeks Outline Permission and for approval at this stage of details of Access / Layout / Scale / Appearance; only the matter of Landscaping has been reserved for latter consideration.

4. POLICY CONTEXT

National

National Planning Policy Framework (2012)

- Section 1 Building a Strong, Competitive 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 Challenges of Climate Change, Flooding, Etc
- 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 7 Social Infrastructure
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 16 Preserving and Enhancing the Built Environment
- Policy 18 Biodiversity, Giodiversity and Landscape Conservation
- Policy 19 Climate Change, Etc
- Policy 22 Planning Contributions
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

Other Material Planning Considerations

- LCC Planning Obligations in Lancashire (2008)
- LCC Historic Towns Assessment - Bacup (2006)
- RBC Bacup Town Centre Conservation Area Character Appraisal (2011)

5. CONSULTATION RESPONSES

RBC (Environmental Health)

No objection in principle. However, there is the potential for contamination to be present within the site and a need for a condition also to safeguard residential neighbours from construction noise.

LCC Highways

No objection on highway grounds subject to the following amendments to the plan and conditions/S.106 Obligation.

The facility is located within the Town Centre which benefits from frequent bus links to adjacent towns and is within easy walking distances to the bus stops.

The traffic generated by the proposed development would not be of any detriment to the highway network or the neighbouring properties. In comparison to the former use of the site as a Health Centre, there will be an overall reduction in the traffic movements throughout the day and night.

LCC parking policy requires 1 space per 5 residents which equals 8 spaces for a 39 bed Care Home. 12 car parking spaces are being proposed, plus a cycle store.

Request :

- Submission of an amended plan to a scale of either 1:100 or 1:200 to show : a) the visibility splay from Tong Lane onto Yorkshire Street would not be obscured by the boundary wall and railing; b) the footway running alongside the development site and adjacent to Todmorden Road would have a width of 2 metres minimum; c) the footway running alongside the development site and adjacent to Tong Lane / Hammerton Green to continue into the car park and to the pedestrian entrance of the building (with realignment of the access road to still allow 2 vehicles to pass side by side); d) an ambulance and delivery drop-off bay; & e) 2 disabled parking places with a hatched area of 1.2 metres wide on both sides of the bay (LCC parking policy would require 1 disabled parking space and the 3 shown on the submitted plan do not meet current standards).
- A Travel Plan 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 bus stop on Yorkshire Street adjacent to the development site be upgraded to the current standards including the provision of a bus shelter.
- A TRO on Yorkshire Street, Tong Lane and Hammerton Green to ensure that adequate sightlines are maintained at the road junctions and along footways.

LCC (Archaeology)

No objection

Lancashire Police

Unfortunately, the residents and staff of care homes and similar facilities are often the target of nuisance and anti-social behaviour so it is essential when designing a new facility to consider the prevention of this behaviour within the design, for the future quality of life of the residents.

With respect to external areas it recommends :

- Security lighting be installed where users are likely to enter and leave the site – this will help to deter crime and the fear of crime.
- Staff parking is located close to the building and away from the vehicle entrance, as these vehicles will be left for long periods – they should therefore be well overlooked and illuminated to reduce the risk of crime.

- The cycle storage facility should be located close to the entrance and well overlooked.
- The timber fencing bounding the site is of a sufficient height. The stone wall and railings are an overall height of 1.6m and 1.2m. The higher structure would discourage climbing over to commit nuisance or crime - recommend the planting of thorny bushes along the inside of the walls to give further protection and increasing boundary wall to 1.6m.

With respect to the building it recommends :

- Access be restricted by a buzzer system requiring staff to allow entry. In-house security systems must ensure this system is adhered to and that the doors aren't propped open due to staff being too busy to keep answering the door to visitors as this would lead to a crime risk.
- Consideration should be given to a CCTV camera located at the main entrance to capture a clear image of anyone entering - this will help to deter 'bogus official' type burglaries and assist in identifying offenders should a crime occur.
- Windows and Doors to a particular standard.

Environment Agency

The Environment Agency initially objected to Application 2009/257, and has done so again in respect of the current application, as the site is located (in part) within an area it has identified as Flood Zone 3 (ie. land having a greater than 1 in 100 year probability of flooding) .

However, after the Applicant commissioned more work to be undertaken on the Flood Risk Assessment accompanying Application 2009/257 the Environment Agency was satisfied that people and property would not be at undue risk as a result of a flood event subject to the building having a floor level no lower than 254m AOD. Permission was granted on this basis.

The Agent has now confirmed that the current application can be dealt with/conditioned on the basis of the Lees Roxburgh Flood Risk Assessment which satisfied the Environment Agency in respect of Application 2009/257. A response from the Environment Agency confirming the withdrawal of its objection to the current application is awaited.

United Utilities

No objection subject to conditions

6. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order the application has been publicised by way of a newspaper notice dated 19/4/13, site notices posted on 19/4/13 and letters sent to the relevant neighbours on 17/4/13.

Bacup Consortium Trust advises that at 3-storeys the proposed building will be a dominant feature in the town centre and, consequently, should be constructed of natural stone to harmonise with the Conservation Area.

A neighbour comments that :

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- due to the current position of the plot it will need lot of excavation work to prepare and rectify the river Irwell running underneath and this could cause noise, pollution and big problems accessing the residential area adjacent to it and the care home opposite to the plot. This could cause future damages to the landscape and further problems to the other buildings in the vicinity, which are in a conservation area.
- they are concerned also that a 3 storey building could block the daylight/sunlight to some houses in the nearby housing estate and the appearance &/or layout will not blend in with the residential area.

An email has also been received which states that the Developer is to be commended for proposing an appropriately located Cycle Store for employees. However, there is a need also for a secure cycle stand for visitors.

7. PLANNING ISSUES

The main issues to be considered in the determination of this application are as follows:

- 1) Principle
- 2) Flood Risk
- 3) Housing Policy
- 4) Heritage Interest / Visual Amenity
- 5) Neighbour Amenity
- 6) Access/Parking

Principle

This previously-developed site lies within the Urban Boundary of Bacup and permission was granted for the proposed development in 2009.

Accordingly, the proposal is considered appropriate in principle. Indeed, it will bring significant regeneration benefits in that it will secure development of a prominent, unkempt site within the Town Centre Conservation Area.

Flood Risk

The Environment Agency initially objected to Application 2009/257 as part of the site is located within an area it has identified as having a greater than 1 in 100 year probability of flooding). However, it subsequently withdrew its objection subject to a Condition to ensure the building would have a floor level no lower than 254m AOD. Permission was granted on this basis.

The Environment Agency has similarly lodged an objection to the current application. The Applicant has now confirmed that the current application can be dealt with/conditioned on the basis of the Lees Roxburgh Flood Risk Assessment which satisfied the Environment Agency in respect of Application 2009/257. A response from the Environment Agency confirming the withdrawal of its objection to the current application is awaited.

Housing Policy

Policy 4 of the Core Strategy states that schemes for Supported Housing will be encouraged, “particularly for elderly accommodation and care provision for those with physical disabilities, learning difficulties and mental health needs.

As all the units of accommodation to be created are to be for Supported Housing, and will help to fulfil a local need in a location well served by public transport/with a wide range of services & facilities nearby, it considered that the accords with Housing Policy.

Heritage Interest / Visual Amenity

Section 72 T&CP (Listed Buildings & Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. PPG15 sets out Government guidance in respect of heritage issues and Policy EM1 of the RSS and

Section 12 of the National Planning Policy Framework (2012) sets out Government guidance in respect of the Historic Environment and Policy 16 of the Council’s Core Strategy seeks to amplify upon this.

In respect of Application 2009/257 the Council’s Conservation Officer advised that :

“The existing building occupies a prominent position on a main road frontage, on the approach to Bacup Town Centre, and makes a negative contribution to the character and appearance of the Bacup Town Centre Conservation Area.

The proposed building (though significantly bigger than the one it replaces) is of reasonable scale and bulk, in-line with the existing buildings towards St James’ Square, having a setback from Yorkshire Street which is adequate to avoid them being hidden as the Town Centre is approached down Todmorden Road.

As seen from the public highway, the elevations and roof of the building will fit in with the traditional patterns and add to the local scene, being of appropriate design and facing materials.....Subject to a condition to ensure use of timber (rather than UPVC) for the window-frames, the proposed building will provide consistency with the buildings around it.

As amended, the boundary treatments intended follow traditional patterns, although conditions in respect of landscaping/boundary treatment are recommended. “

The 1-storey, flat-roofed building that then occupied the site has now been removed. However, the site continues to make a negative contribution to the character and appearance of the Conservation Area.

I concur with the Conservation Officer’s advice in respect of the proposed development.

Neighbours Amenity

The nature of the use being proposed for the site is not itself considered likely to cause unacceptable noise or disturbance for neighbours.

The new building is undoubtedly of significantly greater size/height than the building formerly occupying the site. However, the site being somewhat lower than the housing to the rear, and with the trees upon its rear boundary being retained, I am satisfied the at the proposed building will not result in unacceptable detriment for these neighbours by reason of loss of light/outlook/privacy/overbearing.

The siting of the proposed building is such that it is off-set from the 2-storey building to the opposite side of Hammerton Green which has been converted to residential use. Furthermore, the converted building is narrow, many of those windows which face towards the application site being obscured/secondary windows; the ground-floor windows facing the access to the proposed car park are obscure-glazed. The buildings on the west side of the site are not in residential use.

Accordingly, I am satisfied the proposal will not detract to an unacceptable extent from the amenities of any neighbours.

Access/Parking

The submitted scheme proposes off-street car parking/servicing facilities, together with a cycle-store and bin-store, to accord with the approved Parking Standards.

To accord with the wishes of the Highway Authority, the Agent has been requested to amend the scheme to provide a footway/improved visibility to the south-east side of the access-point and agreed to undertake/fund road-markings at the Tong Lane/Hammerton Green junction, to better delineate vehicle priorities. On this basis the Highway Authority had no objection to Application 2009/257 being permitted.

Additionally, the Highway Authority has requested that the bus stop on Yorkshire Street adjacent to the development site be up-graded to the current standards including the provision of a bus shelter, at a cost of £5,000. It did not ask for this in relation to Application 2009/257, concluding that as the site is so near to a 'quality' bus route no financial contribution is required to provide improvements to public transport. I consider there to now be no greater justification for requiring this contribution and, given the current economic climate, I am reluctant to require it.

8. SUMMARY REASON FOR APPROVAL

The proposed development is of a scale and nature appropriate in principle within the Town Centre of Bacup, and the scheme will enhance the character and appearance of Bacup Town Centre Conservation Area without causing undue flood risk or detriment to neighbours or highway safety. Therefore, it is considered that the proposed development is in accordance with the National Planning Policy Framework (2012) and Policies AVP2 / 1 / 4 / 8 / 16 / 23 / 24 of the Rossendale Core Strategy DPD (2011).

9. RECOMMENDATION

That Permission be granted subject to the Environment Agency withdrawing its objection and the Conditions set out below.

In the event that the Environment Agency does not withdraw its objection before 10/7/13 that Officers have authority to Refuse the application for Flood Risk reasons.

CONDITIONS

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: Required by Section 92 of the Town and Country Planning Act 1990.
2. Approval of Landscaping (“the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: The application is in outline only and not accompanied by detailed plans.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
Reason: Required by Section 92 of the Town and Country Planning Act 1990.
4. The building hereby permitted shall have a floor level which is not below 254m AOD.
Reason : To ensure the scheme accords with the submitted drawings and the Flood Risk Assessment of Lees Roxburgh Consulting Engineers (reference 5130/R1 Rev A 20/7/09) and thereby avoids undue risk of flooding to people and property, in accordance with the advice of the Environment Agency and Policy 24 of the Council’s adopted Core Strategy.
5. Prior to the commencement of development a panel measuring not less than 1m x 1m in area shall be constructed on the site using the stone/coursing/ pointing intended for external walls of the building hereby permitted for inspection by the Local Planning Authority, and a sample of the intended roof slate shall be submitted to the Local Planning Authority. The development shall proceed in accordance with the facing materials which have been approved in writing by the Local Planning Authority.
Reason : To protect the character and appearance of Bacup Town Centre Conservation Area, in accordance with Policies 16 /24 of the Council’s adopted Core Strategy.
6. Notwithstanding the details shown on the approved drawings, before the development commences full details shall be submitted to and approved in writing by the Local Planning Authority in respect of :
 - a. The proposed external doors and windows frames (which shall be of timber construction, not upvc), together with the fixing details (including cross sections), their external finish and associated ironmongery.
 - b. The proposed rainwater goods.
 - c. The proposed external lighting.

The development shall be implemented in accordance with the approved details.

Reason : To protect the character and appearance of Bacup Town Centre Conservation Area, in accordance with Policies 16 /24 of the Council's adopted Core Strategy.

Prior to first use of the building as hereby permitted the cycle-store and bin-store shall have been constructed using natural stone and slate matching in colour, form and texture those approved in respect of the main building.

Reason : To protect the character and appearance of Bacup Town Centre Conservation Area, in accordance with Policies 16 /24 of the Council's adopted Core Strategy.

7. The Landscaping scheme to be submitted shall indicate : the existing planting to be retained, and how it is to be protected during the construction of the development hereby permitted; the types and numbers of trees and shrubs to be planted and their distribution on site; those areas to be seeded, paved or hard landscaped; together with details of walls/fences/gates to be erected; and detail any changes of ground level or landform.

Reason : *To protect the character and appearance of Bacup Town Centre Conservation Area, the amenities of neighbours and highway safety*, in accordance with Policies 16 /24 of the Council's adopted Core Strategy.

8. All hard-surfaced areas/walls/fences forming part of the approved scheme of Landscaping shall be completed prior to first occupation of the building as hereby permitted, unless otherwise first agreed in writing with the Local Planning Authority. All new planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons thereafter. Any trees or shrubs in the approved scheme of landscaping which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason : *To protect the character and appearance of Bacup Town Centre Conservation Area, the amenities of neighbours and highway safety*, in accordance with Policies 16 /24 of the Council's adopted Core Strategy.

9. Prior to first use of the building hereby permitted :

- a) The parking/servicing areas shown on the approved drawings shall be provided and thereafter kept freely available for use as such.
- b) The footway to the south side of Hammerton Green shown on the approved drawings shall be provided and thereafter kept freely available for use as such.
- c) The road-markings to be provided at the Tong Lane/ Hammerton Green junction to better delineate vehicle priorities shall be provided in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason : In the interests of highway/pedestrian safety, in accordance with Policy 24 of the Council's adopted Core Strategy.

10. Surface water must drain separate from the foul and no surface water is permitted to discharge to the foul sewerage system.
Reason: To secure proper drainage, in accordance with the advice of the Environment Agency, United Utilities and Policy 24 of the Council's adopted Core Strategy.
11. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.
Reason : To safeguard the amenities of neighbours, in accordance with Policy 24 of the Council's adopted Core Strategy.