

KEN BURLEY & ASSOCIATES

227 Melton Road, Sprotbrough, Doncaster, DN5 7NU
tel: 01302-855127 – email: ken@burley93.freeserve.co.uk

Mr. G Clarke,
Chief Planning Officer,
Bolsover District Council
Sherwood Lodge,
Bolsover,
Chesterfield
S44 6NF

7 April 2007

Dear Mr. Clarke,

Planning Reference 07/00148/FULMAJ – Plot 8 Barlborough Links: Erection of a two-storey 60 bed hospital providing residential care within a secure therapeutic environment and associated works with recreational/sporting facilities including a sports barn, access from Midland Way, car parking, security fencing and landscaping.

On behalf of Barlborough Parish Council, I would like to make the following representations regarding the above Planning Application.

1. Introduction:

A Planning Application of this nature is inevitably going to attract considerable public interest and anxiety and this is entirely borne out by the large number of responses from the general public and other organisations in and around Barlborough. **Most of those responses are strongly opposed to the proposal and the position of the Parish Council is also to object strongly to the development.** The responses deal with a number of issues, including planning policy, regeneration, and environmental, economic and social impacts, again reflecting the very nature of the proposal.

2. Description of the Proposal:

The proposal is described as set out above and that being the case its real nature has been obscured; it would have been much fairer to describe the proposal as a secure psychiatric hospital, including associated facilities such as sports barn, car

parking, etc. The fact that the proposal is described in the way that it has been, may have led the District Council to conclude that the proposal should not be subject to an Environmental Impact Assessment when clearly its controversial nature requires the Council to exercise its discretion and to ask the developer to submit a full Environmental Impact Assessment. Had such an Assessment been carried out, then the question of alternative sites would inevitably have been required to be looked into in significant detail.

3. Planning Policy

Any planning application is to be considered within the context of national, regional and local planning policy.

3.1 National planning policy

3.1.1. PPS1 – Delivering Sustainable Development

The thrust of PPS1 is delivering sustainable communities and development through a process which is transparent and both engages and protects the local community. However, it is not at all clear that the proposal will protect the existing community rather it seems to threaten it, as demonstrated by the volume of objections. Also the description of the proposal is not as transparent as it should have been, nor has there been any real attempt to engage with the local community in the way that PPS1 clearly envisages. It is not apparent, for example, whether pre-application consultation with the community has taken place to the extent which would be consistent with the Council's Statement of Community Involvement and/or the Town and Country Planning (Local Development) (England) Regulations 2004. .

3.1.2 PPG4 – Industrial and Commercial Development.

This PPG supports, in general, industrial and commercial development, subject to acceptable environmental, economic and social impacts. The applicants say the proposal will generate 140 to 160 jobs but there is little indication as to how many will be for local people. Furthermore, the Planning Statement by the applicants says the development is in a form which will not result in unacceptable disturbance to adjacent or nearby properties. Clearly local residents objecting to the proposal do not agree with that view.

3.1.3 PPG13 - Transport

It is surprising, in view of the number of vehicles likely to access the proposed hospital (the car park alone will cater for 100 cars) that Bolsover District did not ask for a Transport Assessment which would have looked in detail at such matters as trip generation, network capacity and impact on it, modal choice and so on. Bus services, for example, are not good from the wider region which the proposed hospital is intended to serve (South Yorkshire/South Humberside/North Nottinghamshire/North Derbyshire etc.) and there are, of course, no rail services available to the site.

3.2. Regional Spatial Strategy.

Following the Planning and Compensation Act 2004, the East Midlands Regional Spatial Strategy is part of the Development Plan for Bolsover District, the other part being the Bolsover Local Development Framework when that is complete. The Regional Spatial Strategy is rooted and grounded in the Planning Guidance set out in PPS's and PPG's. In this regard the Regional Spatial Strategy must also deliver sustainable development and contribute towards the attainment of sustainable communities.

1. Policy 4, Promoting Better Design, of the Regional Spatial Strategy refers, amongst other things to public transport access and as already pointed out above, this is not good in relation to the proposed catchment area of the psychiatric hospital.
2. Policy 15 of the Regional Spatial Strategy says that employment development outside Nottingham, Derby and Leicester, should be in scale with the size of the settlements where development is to be located. Although Barlborough Links is a Key Site in the Bolsover Local Plan, to locate a regional facility of the size proposed, is hardly in scale with Barlborough.
3. Finally, Policy 22, Regional Priorities for Employment Land, is not particularly supportive of the applicant's proposal either as the policy is clearly focused on office and industrial uses, rather than health care.

3.3. Existing Planning Policy – the Derby and Derbyshire Joint Structure Plan and the Bolsover Local Plan

At the present time, the relevant Local Plan is the Bolsover District Local Plan adopted in 2000, which needs to be seen in the context of the Derby and Derbyshire Joint Structure Plan adopted in 2001.

3.3.1. The Derby and Derbyshire Joint Structure Plan

Regarding the Structure Plan, General Development Strategy 3 – Location and Density of New Development – emphasises new developments should favour the use of public, non-motorised transport; the applicant's proposal for a regional centre of excellence, hardly does that.

Nor does the proposal seem to comply with Structure Plan Transport Policy 1, reducing the need to travel; its location close to a Motorway junction, a limited bus service from the wider region and no rail access, hardly matches up with reducing the need to travel, particularly by private car.

It is also contrary to Economic Policy 1 – Scale and Range of Business, General Industrial and Distribution Provision within the Derby and Derbyshire Joint Structure Plan – Adopted Written Statement Section 4.1.5 which says

“development which would lead to reduction in the supply of business, general industrial and distribution land and buildings will be permitted only where the development would not lead to a qualitative or quantitative deficiency of land for such uses in the sub-area or where the development would not unduly inhibit existing or future industrial activity.”

In relation to this policy, the proposal is clearly contrary to it since the planning application has been classified as a C2A development within the 2005 Use Classes Order, in other words, an institutional use and not B1 business, B2 general industry and B8 warehousing and distribution. Approval of the proposal would self evidently reduce the supply of land for B1, B2 and B8 uses and would thereby inhibit investment in future industrial activity on the application site, whether new or existing firms.

3.3.2 Bolsover Local Plan

There is a conflict too with the existing Local Plan, which notes at paragraph 2.1.2 that

“development needs to be acceptable in general land use, social and economic terms”

It is plain the application does not comply with this paragraph where it refers to general land use which should be interpreted in the context of the Used Classes Order.

With regard to social terms it is also clear that the catchment area for the facility extends far beyond Barlborough and its immediate environment, as already pointed out several times, to include South Yorkshire, South Humberside, North Derbyshire and North Nottinghamshire and the facility, therefore, cannot be said to serve the local community of Barlborough any more than it serves any other part of this wider regional area.

As for economic terms the question of employment benefit will depend to a large degree on such factors as displacement of jobs at other similar facilities in the general area and also the extent to which the jobs will actually go to local people rather than simply encouraging yet further long-distance journeys to work, contrary to PPS1 and its commitment to sustainable communities and development. It is very obviously the case that, in selecting a site close to the Barlborough junction on the M1, this facility is intended to have the maximum accessibility by private car, rather than public transport. (Again, please see earlier references under National Planning Policy Guidance, the Regional Spatial Strategy and the Joint Structure Plan).

The Local Plan also shows the proposal site as within an Employment Area as defined by Employment Policies. Policy EMP5 of the Local Plan – Protection of Sites and Buildings in Employment Uses – states

“planning permission will only be granted for the change of use or redevelopment of Employment Sites or buildings to other uses in cases where the proposed development would bring benefit to the local community and that benefit would be greater than the benefit likely to arise from its existing or potential employment use (e.g. through

provision of community facilities, infrastructure or alternative employment prospects).”

Regarding this policy, the applicants have clearly not included facilities for use by the local community within their proposal, other than in the narrow sense that there may be residents within Barlborough who could at some stage require treatment at a secure psychiatric hospital. Similarly, the infrastructure required by the Hospital such as drainage or car parking is not intended to be used by the community. The alternative employment prospects issue has already been addressed above in relation to national planning guidance and the Structure Plan; there can certainly be no guarantee that jobs created on this site will automatically go to local residents rather commuters from adjacent urban and rural areas. It is also the case that the Section 106 agreement references are very vague and do not identify benefits of any real value to the community at this stage! (i.e. working with schools, churches and other community groups, etc. to integrate the psychiatric hospital into the community – but only after the facility is already up and running, of course.)

Policy GEN2 - Impact of development on the environment does not seem to offer much support to the proposal either; materially harmful impacts including conflicts with planning policy and also the anxiety being caused to the local community, are not likely to be outweighed by the marginal benefits of a secure psychiatric hospital's services to Barlborough and the relatively small number of jobs it will actually provide for local people. Similarly, sourcing of materials is only likely to take place to a limited extent unless the applicants can produce evidence to the contrary.

3.4 Local Development Framework

As mentioned above, the present Development Plan for Bolsover is a combination of the Derby and Derbyshire Joint Structure Plan and the Bolsover Local Plan. Both these plans will be replaced by the Regional Spatial Strategy and the Bolsover Local Development Framework, which together will form the Development Plan for the Bolsover District. The Local Development Framework will consist of a number of Development Plan Documents. The present position regarding two of these documents is that

Bolsover District Council is hoping to submit the Core Strategy and Site Specific and Area Based Allocations Development Plan Documents to the Secretary of State this year. The associated Employment Land Study is of relevance to this application. Regarding diversity of employment, in one sense any new development adds to diversity; however, the point has already been made that in reality the job creation, as far as the local community of Barlborough is concerned, could well be marginal because the majority of the work force will come from the wider region, with the result that the effect on diversity of employment will also be marginal.

4. Other Specific Points

4.1 Economic Regeneration: The applicant's claim that there are substantial economic benefits accruing from their proposal in the form of £1,000,000 of salaries and £500,000 procurement. With regard to the salary budget, the extent to which this is either generated from or spent within the immediate Barlborough area, is very uncertain in view of the fact that the employees are likely to come from a wide regional area as already pointed out several times above. Similarly, with regard to the procurement of goods and services locally, it is by no means certain that this will happen to any significant extent. Although local sourcing could be possible, in reality, an organisation such as Cygnet, operating a number of sites in different parts of the country, is more likely to negotiate contracts for supply at minimum cost to the organisation as a whole, rather than in the interests of the communities in which the facilities are located. In any event, it would be unlikely for all the requirements of the proposed psychiatric hospital to be met within the region it served.

4.2 Negative Economic Impacts: It is possible that if planning permission is granted for the proposed psychiatric hospital that its presence at Barlborough Links may deter further investment at the Links. It is, of course, the applicant's case, as set out in the Planning Statement, that a negative impact is not remotely possible but no evidence is provided to back that up.

4.3 Fear and Apprehension of Local Residents: Many of the local residents' letters of objection raise their fears concerning security of the proposed hospital, anxieties about the risks of severely disturbed patients being either in

residence or even at large within the Barlborough community, should they escape and so on. These fears are understandable in the context of a proposal of this kind and should be taken into account by Bolsover Council in arriving at a planning decision. The concerns of residents are very much part of the issue of crime and the fear of crime, which are accepted as material considerations in planning decisions.

The Crime Prevention Design Advisor's comments are very pertinent to the local residents' concerns and I would like to draw Bolsover District Council's attention to the following points raised.

1. The Officer himself points out that "as expected this development is one which has produced a great deal of concern from the local community and as the applicant is clearly aware the fear of crime is a material consideration."
2. He then goes on to say that "the fear of crime could be reduced by a number of changes in design in association with a more intensive Design and Access Statement which covers all the aspects required."
3. What he does not say though is that the fear of crime can be eliminated and this is a fundamental point which local residents are obviously making in large numbers. **The Parish Council shares their anxiety about the risks associated with the proposed psychiatric hospital and would not dispute the suggestions by the Crime Prevention Design Advisor to improve security at the proposed hospital.**
4. Amongst these proposals are suggestions to do with the security fencing and the Officer regards the current proposal as appropriate for high security, rather than medium or low security patients as suggested by Cygnet.
5. The Officer also raises concerns about the cycle parking area which should be in an area that can be supervised at all times and under surveillance.
6. Another issue raised by the Crime Prevention Design Advisor is the question of whether or not patients with drug addiction will or will not be accepted and he then goes on to observe that there is nothing in the Design and Access Statement to indicate whether visitors would be

searched for drugs or alcohol, adding that the potential for contraband being brought into the premises is considerable.

7. Further on in the Crime Prevention Design Advisor's comments he refers to the mention made by local residents of evacuation procedures in the light of a major incident; the Officer records his concerns over evacuation procedures and poses questions about such matters.
8. Finally I would like to draw to Bolsover District Council's attention the Crime Prevention Design Advisor's reference to Section 106 funding for Police Community Support Officers. This would, at least, provide something rather more useful than the awareness raising programmes postulated by Cygnet and their Planning Consultant under a Section 106 Agreement.

In short, the Crime Prevention Design Advisor recognises a number of security issues which the proposal inevitably raises and although some can be addressed by specific measures suggested by the Advisor, the community has a fundamental fear of crime associated with the proposal and that fear is a material consideration.

4.4 Community Consultation: There is very little evidence that community consultation has been carried out. Indeed, the only reference in the Planning documentation appears to be a reference in the Planning Statement, as follows. "Unfortunately, pre-application consultation on this application has resulted in a head line in the Derbyshire Times (Thursday 1 March 2007) entitled "Murderers fear in hospital plans", which Cygnet's Planning Consultant describes as clearly inflammatory. The lack of consultation is surprising in view of the requirements of DCLG Circular 1/2006 entitled Guidance on Changes to the Development Control System and associated amendments to the Town and Country Planning (General Procedure Order). An application of this kind and sensitivity should surely have been the subject of pre-application consultation.

5. Conclusion

Barlborough Parish Council, having considered the Planning Application for a "two-storey 60 bed hospital providing residential care within a secure therapeutic

environment and associated works with recreational/sporting facilities including a sports barn, access from Midland Way, car parking, security fencing and landscaping” **wish to object strongly to the proposal on the following grounds.**

- The proposal conflicts in a number of ways with national, regional and local planning policies, as set out above.
- The question of alternative sites has not been investigated and the Parish Council feels that alternatives should have been looked at.
- Community consultation has not been carried out to any discernible extent at the pre-application stage, and should have been.
- The alleged benefits of the proposal as far as the local community is concerned are not proven.
- Negative impacts have not been properly addressed and mitigation of any such effects has, therefore, not been fully considered.

If any of the above Statement is unclear, please let me know.

Yours faithfully,

Ken Burley.