

**FURTHER COMMENTS BY BARLBOROUGH PARISH COUNCIL
REGARDING PLANNING APPLICATION REF: 07/00148/FULMAJ PLOT 8
BARLBOROUGH LINKS: ERECTION OF A TWO STOREY, SIXTY 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 further submissions made by Cygnet Health Care Ltd. and their advisers.

A. **TRANSPORT ASSESSMENT**

The Transport Assessment now submitted is a welcome addition to the planning application on which the Parish Council made a Statement of Objection in April 2007. Frankly, the original application should always have included a Transport Assessment in my opinion.

The methodology for the Transport Assessment follows the standard approach to such assessments and has been undertaken by Scott Wilson who are well known Transportation and Engineering Consultants. Their conclusions are presented in summary form, as follows.

1. **Site and Proposed Development Summary**

- a) Trip generation information has been provided by the developer for a similar site to the one proposed in order to confirm the TRICS estimates.
- b) The proposed development would generate few trips in the a.m. or p.m. peak hours.
- c) The trip generation would be less than alternative employment based uses.

Comment

Regarding the numbers of trips generated, the Parish Council accepts that any use of the application site will generate some trips. However, it is an assumption on the part of Scott Wilson that the trip generation would be less than alternative uses and the local community, in any event, may well regard the increase in traffic as detrimental to their amenity. Also, there is some confusion regarding shift times since the time given in relation to the rebuttal on the PC. Kelsey's comments is 7.30 a.m. for the morning shift as opposed to 7.00 a.m.

2. **Access by non-car mode Summary**

- a) Basic services are available in the local area with nearby police and fire stations.

- b) The proposed development is served by local bus services which provide connections to wider regional services by bus, train and tram.
- c) Connections to the residential area show accessibility by pedestrians.

Comment

There is no disagreement with the analysis of access by non-car modes. However, Scott Wilson's conclusions are over optimistic in that while bus services do pass close to the site, people's propensity to use them will depend on a whole host of matters. It is also my opinion that this employment site at Barlborough has been selected by Cygnet because of its accessibility to and from the motorway, not because of its limited accessibility by public transport. The point about pedestrian accessibility is particularly facile; of course there are connections by footpath to the adjacent residential areas but it can be expected that employees and patients for the most part, will not be within walking distance of the proposed hospital.

3. **Local Highway Impact Summary**

- a) The proposed development would not lead to a material increase in traffic levels from the local highway network.

Comment:

This may be true empirically but please see the comment above under 1. above.

4. **Road Safety Summary**

- a) Road safety would not be materially affected.

Comment:

No comment on the road safety conclusions reached by Scott Wilson.

5. **Access Summary**

- a) The proposed site can be accessed satisfactorily from Midland Way.

Comment:

No comment on the engineering design aspects of the access.

6. **Local Community Issues Summary**

- a) Scott Wilson's conclusions are that the proposed development would not lead to a material impact in terms of either road capacity or safety.

Comment:

The responses by Scott Wilson on local community issues are generally optimistic but are in line with current standards, particularly regarding highway engineering matters.

B LOCAL COMMUNITY BENEFITS

Government Advice

1. Leith Planning argue that government advice recognises secure institutions can have substantial beneficial impacts on the local economy in terms of additional jobs, the purchase of goods and services locally and extra disposable income.

Comment:

While this is true as far as it goes, government also recognises that such institutions can cause significant anxiety to local communities and this has been recognised in planning decisions on appeal, for example. (See below regarding the Mexborough case).

EMP5

2. Leith Planning argue that the psychiatric hospital proposal does not represent a change of use in reality as the term employment covers all job types.

Comment:

This argument is spurious as the Use Classes Order could effectively be by-passed by any proposal which includes any type of employment. In other words, the applicants allege that uses in the B1, B2 and B8 categories really only amount to the same thing as C2a institutional uses and vice versa. This is not credible.

Also, the meaning of EMP5 in relation to the adopted development plan is quite definitely a matter of professional judgement although legal arguments, as always, may be invoked. The meaning of EMP5 is quite clear and for Leith Planning to suggest otherwise is not sustainable.

Bolsover Employment Land Study Final Report 10 August 2006

3. The comment by Leith about the site's location as a "nationally central location" is incorrect as the quotation from the Employment Land Study relates to the Bolsover District as whole, not the application site.

Page 6 – Marketing

4. Marketing by Waystone is referred to as having "confirmed there is little appetite for a large office development on plot 8 because of the position of the site within the development and site constraints."

Comment:

There is insufficient evidence by the applicants to support that statement. It may also be the case that a large office development is the wrong kind of development to be targeting anyway; perhaps marketing for a wider range of uses such as the low cost industrial units or higher quality serviced office space or incubator units for knowledge-based firms, referred to in the Employment Land Study, might be more successful.

Summary of Community Benefits

5. Leith Planning refer to construction jobs which will be created by their client's proposal.

Comment:

Cygnets proposals are unremarkable in that regard; built development creates jobs during its construction. Any other new build project on the site would generate construction jobs!

New jobs

6. Leith Planning point to the jobs that will be provided at the proposed hospital.

Comment:

There is no argument that jobs will be provided at the proposed hospital. The issues really are whether the jobs will displace others in the region; whether they will be filled by local people or those living throughout the region, and so on.

Training:

7. Cygnet Health Care is well known for providing training opportunities in order to recruit and retain staff.

Comment:

Again, this is unremarkable as many employers do exactly the same.

Local Goods and Services:

8. Leith Planning point to the goods and services which will be purchased locally if the hospital development proceeds.

Comment:

A new business such as the Cygnet Hospital would routinely purchase some goods and services locally. Where is the evidence that Cygnet would purchase 'significantly larger volumes' of goods and services **locally**? A firm such as Cygnet will often source goods and services in the most cost-effective manner for the whole of its business, not for any one unit in particular.

Annual Investment into Local Economy

9. Leith Planning and Cygnet have calculated that the contribution to the local economy made by the proposed hospital would be of the order of £1.5 million.

Comment:

Where is the detailed evidence to back up this statement?

Local Housing Market

10. Leith Planning say that recruiting new staff who come to live in the area of the hospital will have a positive impact on the local housing market.

Comment:

Importing staff who then require housing can have a negative effect on the housing market in that a shortage of housing may be created and house prices inflated as a result.

Community Links and Mental Health

11. A psychiatric hospital at Barlborough would help towards meeting the need for psychiatric facilities arising in the Barlborough and Bolsover area.

Comment:

There is no doubt that some of the patients at the proposed hospital would come from Barlborough and Bolsover in general but this would be unlikely to be a large number. It is also the case that proposals for psychiatric hospitals and other facilities can and do cause anxiety within the surrounding community as the Aspen Lodge case at Manvers Road, Mexborough, recently demonstrated. In that case the Planning Inspector refused permission for various reasons, including local residents' anxiety about the impact of the proposal on their amenity.

Community Links and Section 106 Obligation

12. The Section 106 Draft Obligation now offers a financial contribution of £250,000 and other benefits in addition to those offered at the time the planning application was made.

Comment:

The £250,000 is to be welcomed in that it will fund additional police resources (£120,000), a Community Trust (£100,000) and £30,000 towards highway/transport improvements. However, if the additional police resources are needed for two years, as the Draft Obligation proposes, what happens at the end of that period? Similarly, with regard to the Community Trust, funding for five years is fine but again, what then? Finally, as regard the £30,000 for highway and transportation initiatives, will there not be an ongoing need beyond the five year period? In addition the £30,000 is very vague and requires definition.

C. COMMENTS ON REBUTTAL TO OBJECTIONS

The Applicants have submitted rebuttals to 33 different issues raised by the local community; each of the issues is listed below followed by a comment made on behalf of the Parish Council about the Applicants' rebuttal.

1. **“Not in keeping with the surroundings – will change the character of the village and the community spirit. Negative social impact on the area.”**

Comment

The issue of design of the proposed hospital and its appearance within the general context of Barlborough can be dealt with by the normal development control process. The question of social impact is rather more difficult and goes to the heart of the proposal; Barlborough Parish Council still feels that there are substantial and valid concerns being expressed by the community about the proposal and the applicant's rebuttal on this point does not really address this fundamental question, i.e. is this the right location at all for a proposal of this kind, would not a development within the grounds of an existing hospital be more appropriate in all the circumstances?

2. **“Unwarranted risk to the community. Concern over crime levels and patients being allowed unaccompanied into the village.”**

Comment

There are genuine anxieties which the local community has about this proposal in relation to crime and community safety. Such anxieties are recognised as material considerations and assurances by the developer attempting to eradicate such anxieties do not necessarily allay them.

3. **“Reduction in property values”**

Comment

This is not a material consideration; having said that, Cygnet's experience at Bierley may not be replicated elsewhere.

4. **“Methane gas leak, history of problems on the site”**

Comment

Issues such as methane gas are dealt with by the normal processes of planning and building control.

5. **“Traffic Issues – increased traffic levels, extra pollution, already busy and congested, when there is an accident on the M1 the village gets very congested. No Transport Assessment has been submitted.”**

Comment

A Transport Assessment has, of course, now been undertaken and submitted by the Applicants; the Parish Council welcomes the Transport Assessment which should have been part of the original planning application, of course. However the Parish Council feels that the Assessment takes an optimistic view of the impact of the proposals, for example, the suggestion that the increase in traffic flows would be less than if the site was developed for a “ B class use” may or may not be correct depending on the precise nature of the use and how it was operated. For detailed comments on the Transport Assessment, please see above.

6. **“The local police service is not adequate; only one policeman for the area who is currently on long-term sick and the distance to the station is 15 – 20 mins.”**

Comment

The need for extra policing is obviously recognised by Inspector Palfreyman in his response to the Cygnet proposals and the inclusion in the proposed Section 106 Agreement for funding for additional police resources. While these resources are welcomed in themselves, they are strictly time limited (2 years) and beg the question as to what happens after that.

7. **“There is not a local need for this kind of service in the area, etc.”**

Comment

The question of clinical need for the facilities is obviously a matter of keen interest to the Healthcare Trusts operating in the North Nottinghamshire, Derbyshire, South Yorkshire, Lincolnshire and Humberside areas. There is, for example, a recent proposal for an additional psychiatric facility at St. Catherine’s, Doncaster and it would be interesting to know whether or not Cygnet has fully liaised with the health authorities in the catchment area which they claim the Barlborough facility would serve.

8. **“Lack of amenities and infrastructure in the area. It is a small community with few recreational facilities.”**

Comment

The Parish Council accepts that there are various local facilities in Barlborough to meet the recreational and other needs of the community. However, there are some concerns as to whether or not these are adequate to serve the existing community, let alone patients and staff from the proposed hospital.

9. **“There are nursery and primary schools in close proximity to the proposed site.”**

Comment

The Parish Council notes the Applicant's response including the comment of the Headteacher at the primary school near to the Cygnet Hospital at Bierley.

10. **“Location of the proposed hospital is on an isolated industrial estate which is not an ideal place to rehabilitate patients and not a good environment for a secure hospital site.”**

Comment

The Parish Council avers that the proposed site cannot be described as ideal for the reasons set out in this response and the Parish Council's original one.

11. **“Emergency action plans, etc.”**

Comment

The Parish Council has no comment to make on these matters.

12. **“Residents and patients may be able to see each other from the top floor windows of the hospital and the residents' houses.”**

Comment

The Applicant's rebuttal seeks to allay community concerns about these matters. However, in terms of distance between overlooking properties, the contention that the separation between the new hospital and existing houses exceed conventional overlooking distances would apply to domestic properties rather than domestic and non-domestic as in this case. Similarly, window treatment by reflective film is over valued by the Applicant; in the Aspen Lodge case at Mexborough and others, the unusual appearance of reflective film has been criticised by both Inspectors and communities opposed to this kind of development.

13. **“Light pollution caused from the proposed flood lights”**

Comment

Light pollution is a material consideration and the Applicant recognises that. Issues of light pollution would normally be addressed as part of an Application for Approval of Reserved Matters or a Full Application.

14. **“High fencing and gates are not in keeping with the area”**

Comment

While the impact of high fencing and gates can be ameliorated by screening and so on, the very presence of such security measures remains and again, this is a problem recognised by Inspectors deciding appeals including the Aspen Lodge case at Mexborough.

15. **“Not enough information on how dangerous the patients may be and what threat they may cause to the public.”**

Comment

The Parish Council remains concerned about the proposal for a psychiatric hospital despite the attempts by the Applicant to allay fears.

16. **“Poor public transport links. They are inadequate to support such a facility if staff and visitors have to use the public transport system.”**

Comment

The question of public transport has now been addressed by the Applicant in the form of the Transport Assessment undertaken by Scott Wilson. However, the Parish Council feels that the Transport Assessment takes an optimistic view, particularly with regard to public transport links. It is also very plain that the proposed site has been identified by Cygnet because of its close proximity to the M1 rather than any concern for public transport connections.

- 17, **“Cygnet will not employ from the local community etc.”**

Comment

The Parish Council remains of the opinion that the benefits of the proposed hospital in terms of job creation as far as the local community is concerned, have been exaggerated. The rebuttal that 60% of the Bierley hospital workforce live in Bradford post-code locations is fatuous; the Bradford post-codes cover a wide area within which hundreds of thousands of people live and it is hardly surprising that many of the employees at Bierley come from Bradford post code locations. The Parish Council does not dispute that **some** local people will get jobs but there is little evidence that it will be a large number.

18. **“M1 and the motorway bridge are in close proximity etc.”**

Comment

The Parish Council has nothing to add to Inspector Palfreyman’s response about the motorway bridge.

19. **“M1 and local roads offer a route for any absconding patients”.**

Comment

Again, Cygnet have tried to allay the community’s concerns in this regard but these concerns remain, nevertheless.

20. **“The effect that this development may have on local businesses.”**

Comment

The Parish Council notes Cygnet’s rebuttal.

21. **“Disruption to residents while under construction.”**

Comment

There is always disruption when buildings are under construction; Cygnet's willingness to submit a Construction Management Plan clearly recognises that.

22. **"The proposal requires a change of land allocation from B1/B8/B2 uses etc."**

Comment

The Parish Council has already dealt with this point above, in the section on community benefits.

23. **"The area will become less attractive to home developers."**

Comment

The Parish Council notes Cygnet's rebuttal but the fears of the local community in this respect are genuine.

24. **"The roads around the site have 40 mph speed limits and no safe pedestrian crossings."**

Comment

The Parish Council notes Cygnet's offer to fund highway measures by means of the Section 106 Agreement. However, the £30,000 referred to would certainly not pay for a full scale pedestrian crossing with traffic lights.

25. **"Concerns over the amount of parking space provided."**

Comment

The Parish Council notes Cygnet's response; car parking is normally dealt with through the planning application process.

26. **"Barlborough falls short of the residential requirement for such a hospital, etc."**

Comment

The Parish Council notes Cygnet's response, which includes reference to Barlborough having good links to the region, which is it clearly intended to serve, rather than just Barlborough itself.

27. **"Future ability to attract businesses etc."**

Comment

The Parish Council notes Cygnet's response.

28. **"Concerns regarding a possible reclassification etc."**

Comment

The Parish Council notes the Cygnet response.

29. **“No Environmental Impact Assessment” has been submitted.”**

Comment

The Parish Council notes the Applicant’s response. However, the Environmental Impact Regulations may be applied at the discretion of the local planning authority and in the Parish Council’s opinion, should have been in this case. Had that been done, the question of alternative sites would have had to have been considered by Cygnet and there is no evidence that they have been.

30. **“Lack of consultation with the local community”**

Comment

The Parish Council avers that there has been a very limited public consultation.

31. **“The effect/strain such a facility would have on local support services etc.”**

Comment

The Parish Council notes Cygnet’s response.

32. **“Concerns over who owns the site in question.”**

Comment

The Parish Council notes Cygnet’s response.

33. **“No Ecological Survey”.**

Comment

The Parish Council notes the submission of the Environmental Assessment and comments on that below.

D **ENVIRONMENTAL ASSESSMENT**

1. The further submissions also include an Environmental Assessment by Greenway Landscape Architects. The methodology is as recommended by the Landscape Institute and therefore assesses the landscape and visual impact of the proposed psychiatric hospital on the landscape in and around the hospital site and receptors ie. those areas or buildings from which the proposal site can be seen in whole or in part.

Summary of Impacts

2. The overall impacts on the landscape elements of the site are considered by the consultants to be low and neutral in nature. The development will be substantially screened from view by existing and augmented landscape elements and the built form. The existing hedge and proposed screening belt will obscure the development from the majority of properties, except for one dormer type window. The perceived social impacts are not landscape issues and once the landscape proposals and hedge management have screened the development, the fear and perception of risks associated with the development will be found to be unjustified and based on misconceived prejudices.

Comment

3. The general conclusions of the consultants regarding landscape and visual impact are accepted; existing hedging suitably augmented by appropriate tree and shrub planting if properly maintained together with the sloping nature of the site will minimise the landscape and visual impact of the Cygnet proposals. However what is unacceptable to the Parish Council are the gratuitous comments by the consultants about the fear and perception of the local community being without merit and based on misconceived prejudices. Such fears are understandable (as the consultants do actually concede) and form the basis of a number of decisions to refuse planning permission for similar developments including the Aspen Lodge case at Mexborough, Doncaster.

E COMMENTS MADE BY P.C. KELSEY AND INSPECTOR PALFREYMAN

1. Leith Planning have also made comments about the comments of the two police officers consulted. In general terms, the comments of the officers raise a variety of issues to be dealt with either through reserved matters or building control or under Home Office regulations or all three.

Comments

2. The issues raised by the officers and the comments on them by Leith Planning are not unexpected and are very largely acceptable in that context. However there is a discrepancy between Leith Planning's comment about P. C. Kelsey's letter and the Scott Wilson Transport Assessment regarding the start time of the day shift. At para 2.10 in the TA, Scott Wilson quote 7am as compared with page 2 of the Leith Planning letter dated 24 May which refers to 7.30 am.

3. As stated above, the S106 monies for extra policing are clearly welcome but will last for 2 years only and what then? CCTV monitoring and security fencing may well be necessary to minimise risks of absconding but of themselves heighten the perception that the proposed Hospital will be a risk to the community for whom this proposal is a genuine concern.

F SUMMARY OF THE BARLBOROUGH PARISH COUNCIL'S COMMENTS ON THE FURTHER SUBMISSIONS BY THE APPLICANTS

1. The further submissions by Cygnet Health are intended to address the many objections raised by many local residents, Barlborough P.C. and other respondents and consultees.
2. A number of the points raised by objectors have been addressed such as the lack of a Transport Assessment, the very inadequate Section 106 provisions and so on.
3. The Parish Council has acknowledged the value of some of these proposals by the Applicants – see above.
4. However the Parish Council has identified a number of weaknesses and issues concerning the further submissions such as the duration of funding under the Section 106 Agreement, the over optimistic assessment of the local bus services and the palpable failure of the landscape consultants to recognise the strength of the ongoing and very real fears and concerns of the local community. Landscaping and associated works do nothing really to address anxieties about the very presence of a proposed use which causes those anxieties.
5. Of particular concern to the Parish Council is the lack of evidence that Cygnet has seriously looked at alternative sites for the psychiatric hospital.
6. Nor has the applicant addressed a number of the important policy issues raised in the Parish Council's original objection.
7. These abiding concerns have also been raised by the Parish Council in its comments above.
8. The Parish Council remains of the view that the site is not suitable for the proposed Psychiatric Hospital which would be better located within the site of an existing hospital if possible.
9. The Parish Council therefore maintains its objection to the proposal to use plot 8 for the construction of a psychiatric hospital and requests the District Council to view these comments on the hospital proposal in conjunction with the earlier representations made in the statement on behalf of the Parish Council dated 7 April 2007.