

The Planning Inspectorate



Further information about us and the planning appeal system is available on our website www.planning-inspectorate.gov.uk

PLANNING APPEAL

For official use only Date Received	
PLANNING DEPT	
06 MAY 2008	
FILE	
ATTN.	INIT.

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name MR D REECE

Organisation Name (if applicable) WAYSTONE LIMITED

Address 8 SWANWICK COURT SWANWICK

ALFRETON DERBYSHIRE

Postcode DE55 7AS

Daytime Tel 01773 524500

Fax 01773 524501

Email

I prefer to be contacted by Email

Post

C/O AGENT

B. AGENT DETAILS (if any) FOR THE APPEAL

Name MR C PLENDERLEITH

Organisation Name (if applicable) LEITH PLANNING LTD

Address 13 SOUTH CLIFTON STREET LYTHAM

ST ANNES LANCASHIRE

Postcode FY8 5HN

Your Ref LPL192-049

Daytime Tel 01253 795548

Fax 01253 795587

Email EMAIL@LEITHPLANNING.CO.UK

I prefer to be contacted by Email Post

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA BOLSOVER DISTRICT COUNCIL

LPA's application reference no. 07/00148/FULMAJ

Date of the planning application 130307

Date of LPA's decision notice (if issued) 081107

The Planning Inspectorate - Planning Appeal

K.

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2

Signature
Name
On behalf of



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Her Majest
St Clement
2-6 Colega
Norwich
NR3 1BQ

D. APPEAL SITE ADDRESS

Address LAND TO THE NORTH WEST OF
MIDLAND PLACE MIDLAND WAY AND
ADJ 6 TALLYS END BARLBOROUGH

Postcode S43 4WP **Note: Failure to provide the full postcode may delay the processing of your appeal.** DERBYSHIRE

Is the appeal site within a Green Belt? YES NO

E. DESCRIPTION OF THE DEVELOPMENT

Please enter details of the proposed development. This should normally be taken from the planning application form, but if the application was revised (and agreed) while it was with the local planning authority for consideration, you may enter a description of the revised scheme.

PLEASE SEE ATTACHED SHEET

Size of the whole appeal site (in hectares) 1.46

Area of floor space of proposed development (in square metres) 5291

Has the description of the development changed from that entered on the application form? YES NO

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to: Please tick ONE box only

- 1 Refuse planning permission for the development described in Section E. 1
- 2 Grant planning permission for the development subject to conditions to which you object. 2
- 3 Refuse approval of the matters reserved under an outline planning permission. 3
- 4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object. 4
- 5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). 5

OR

- 6 The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. 6

E. Description of Development

"The erection of a 60 bed independent hospital providing residential care for people in need of care within a secure therapeutic environment and associated works, including creation of recreational/sporting facilities (including football pitch, trim track, gym and horticultural garden), access, car parking and landscaping at Plot 8 Barlborough Links, Barlborough, Chesterfield.

Note:

1. **Employment:** *This development when operational will generate in the order of between 140 and 160 long term sustainable jobs; from experience many of the jobs will be taken by local employees.*
2. **Healthcare Statement:** *The operation of the facility and the nature of the use is explained within the Healthcare Statement which forms part of this application. The use of the premises will fall within Class C2A of the Use Classes Order; albeit for the avoidance of doubt any grant of consent would be limited by way of condition to a 'medium and low secure hospital' and any other uses within Class C2A would be prohibited.*
3. **Public Sector:** *As explained in the Healthcare Statement the hospital will provide healthcare exclusively to the NHS and public sector.*
4. **Catchment:** *Given the position of Barlborough within Derbyshire County and the East Midlands region, it would be reasonable to define the catchment as being:*
 - *Sheffield and Rotherham to the north west*
 - *Chesterfield to the south/west*
 - *Nottingham/Derby to the south*
 - *Worksop to the east*

These settlements are situated within Nottinghamshire, Derbyshire and South Yorkshire. The Development will provide a regional centre of excellence for mental healthcare with a particular emphasis on mental healthcare within Bolsover District and Derbyshire
5. **Community Links:** *Cygnets as part of their commitment to the local community, and as part of this application by way of a Section 106 Agreement, will co-ordinate activities and promote greater awareness of and insight to relevant health and social issues locally, specifically:*

G. CHOICE OF PROCEDURE

CHOOSE ONE PROCEDURE ONLY

You should start by reading our booklet 'Making your planning appeal' which explains the different procedures used to determine planning appeals. In short there are 3 possible methods: - written representations, hearings and inquiries. You should consider carefully which method suits your circumstances.

Please note that when we decide how the appeal will proceed we will take into account the LPA's views. ✓

1 WRITTEN REPRESENTATIONS

This is normally the simplest, quickest and most straightforward way of making an appeal. Three out of every four people making an appeal choose this method. The written procedure is particularly suited to small-scale developments (e.g. extensions of buildings, individual houses or small groups of houses, appeals against conditions and changes of use). It is also very popular with people making their own appeal without professional help. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site/area and issuing a written decision.

NOTE: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

- | | |
|---|-----|
| a) If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? | YES |
| | NO |
| b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? | YES |
| | NO |

If the answer to **1b** is 'YES' please explain

2 HEARINGS

This process is likely to be suited to slightly more complicated cases which require detailed discussion about the merits of a proposal. Like the written procedure, the process starts with the submission of 'written grounds of appeal' followed by a full written statement of case and an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). The Planning Inspectorate will then arrange a hearing at which the Local Planning Authority and the appellant(s) will be represented. Members of the public, interested bodies (e.g. Parish/Town Councils) and the press may also attend. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. The Inspector will visit the site/area and issue a written decision in the same way as the written procedure.

Although you may prefer a hearing the Inspectorate must consider your appeal suitable for this procedure.

3 INQUIRIES

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence. Members of the public and press may also attend. In general, inquiries are suggested for appeals that:

- are complex and particularly controversial;
- have caused a lot of local interest;
- involve the need to question evidence through formal cross-examination. ✓

H. GROUNDS OF APPEAL

If you have requested the written procedure, please provide your **FULL** grounds of appeal.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive to enable the LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

PLEASE SEE ATTACHED SHEET

H. Grounds of Appeal

1. The Council conclude that 'the proposed development has a fortified, secure and prison-like character which is out of keeping with the general character of the area on a principal approach road to Barlborough'. The proposed building will provide secure residential accommodation to people in need of care; however, it is not accepted that the overall character/visual impact will be that of a 'fortified' or 'prison like' development. Furthermore, the development is not out of keeping with the general character of the area. [Note: It is necessary to bear in mind that additional security features have been incorporated in the design at the request of the police and that they exceed registration requirements.]

It is considered that the proposed development is in accordance with the aims of good design expressed in Planning Policy Statement 1: the East Midlands (RSS8), policies GEN1 and GEN2 of the Bolsover District Local Plan and the South Barlborough Planning Brief.

2. The Council allege that the site could be developed for B1 or B2 uses (albeit the demand/supply for such land will be a matter for evidence); however, it is not accepted that development for B1 or B2 will be more beneficial when judged against the regeneration strategies for the area. Furthermore, while the land will not be available for B1 and B2 uses the development will generate good quality local employment and significant benefits to the local economy as well as community benefits. While it is not accepted that it is necessary to demonstrate 'overriding need' healthcare need supports the grant of planning consent.

Accordingly, the proposal is in accordance with policy 22 of the Regional Spatial Strategy for the East Midlands (RSS8), policy EMP5 of the Bolsover District Local Plan, and the aims and aspirations of the Bolsover District Sustainable Community Strategy and the Alliance Sub-regional Strategic Partnership's sub-regional strategy.

3. The Council concede that Barlborough has good highway connections being located on a junction of the M1 motorway with a relatively good local bus service. The site is in a sustainable and appropriate location for the proposed use.

It is considered that the proposed development is in accordance with Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Guidance Note 13: Transport and policy TRA1 of the Bolsover District Local Plan.

4. The matter of design is dealt with at Reason for Refusal 1. Reason 4 would appear to be concerned with fear and apprehension of local residents. It is accepted that the Council should take account of genuine concerns over public safety, even when not supported by technical evidence. However, it is unreasonable for the Council to refuse permission on the basis of unsubstantiated fears particularly where the requirements of the regulatory authorities are met. Furthermore, the reason for refusal would appear to be at variance with the views expressed by the POL (Crime Prevention Design Advisor) and POL (Community Safety) as reported in the Officer's report to the Special Planning Committee dated 7th November 2007. [Note: The Council is formally invited to withdraw this reason for refusal in circumstances where there is presently no evidence to support it].

The proposed development is in accordance with policy 4 of the Regional Spatial Strategy for the East Midlands (RSS8) and policy GEN1 of the Bolsover District Council Plan.

In short it is considered that planning consent should be granted for the proposed development.

H. GROUNDS OF APPEAL (continued)

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I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.

Please read the enclosed *Guidance Notes* if in doubt.

Please tick **ONE** box only ✓

If you are the **sole** owner of the **whole** appeal site, certificate A will apply:

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates:

OR

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice (see *Guidance Notes*) to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's Name	Address at which the notice was served	Date the notice was served
WAYSTONE LTD AND SITWELL JOINT VENTURE	8 SWANWICK COURT, SWANWICK	120307

CERTIFICATES C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b).

If the appellant is the **sole** agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.

a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

OR

b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

Tenant's Name	Address at which the notice was served	Date the notice was served

J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1-6 below, **must** be sent with your appeal form; 7-11 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

- | | | | |
|---|--|---|-------------------------------------|
| 1 | A copy of the original planning application sent to the LPA. | 1 | <input checked="" type="checkbox"/> |
| 2 | A copy of the site ownership certificate and ownership details submitted to the LPA at application stage (this is usually part of the LPA's planning application form). | 2 | <input checked="" type="checkbox"/> |
| 3 | A copy of the LPA's decision notice (if issued). | 3 | <input checked="" type="checkbox"/> |
| 4 | A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. | 4 | <input checked="" type="checkbox"/> |
| 5 | A list (stating drawing numbers) and copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. | 5 | <input checked="" type="checkbox"/> |
| 6 | A list (stating drawing numbers) and copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). | 6 | <input checked="" type="checkbox"/> |

Copies of the following must also be sent, if appropriate:

- | | | | |
|----|--|----|-------------------------------------|
| 7 | Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here: | 7 | <input type="checkbox"/> |
| 8 | Any relevant correspondence with the LPA. | 8 | <input type="checkbox"/> |
| 9 | If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:

(a) the relevant outline application;

(b) all plans sent at outline application stage;

(c) the original outline planning permission. | 9a | <input type="checkbox"/> |
| | | 9b | <input type="checkbox"/> |
| | | 9c | <input type="checkbox"/> |
| 10 | If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition , we must have a copy of the original permission with the condition attached. | 10 | <input type="checkbox"/> |
| 11 | A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). | 11 | <input checked="" type="checkbox"/> |
| 12 | If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers. | 12 | <input type="checkbox"/> |

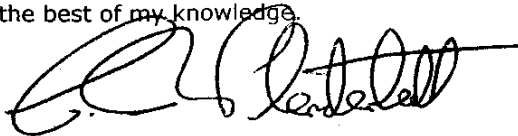
PLEASE TURN OVER AND SIGN THE FORM - UNSIGNED FORMS WILL BE RETURNED

K. PLEASE SIGN BELOW

(Signed forms together with all supporting documents must be received by us within the 6 month time limit)

- 1 I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (if you do not your appeal will not normally be accepted).
- 2 I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature



Date 300408

Name (in capitals) M R C PLENDERLEITH

On behalf of (if applicable) LEITH PLANNING LTD



The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement" and in the booklet accompanying this appeal form.

NOW SEND

1 COPY to us at:

The Planning Inspectorate
Registry/Scanning Team
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

1 COPY to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

1 COPY for you to keep

When we receive your appeal form, we will:

- 1 Tell you if it is valid and who is dealing with it.
- 2 Tell you and the LPA the procedure for your appeal.
- 3 Tell you the timetable for sending further information or representations.

YOU MUST KEEP TO THE TIMETABLE

If information or representations are sent late we may disregard them. They will not be seen by the Inspector but will be sent back to you.

- 4 Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

Published by The Planning Inspectorate June 2006.

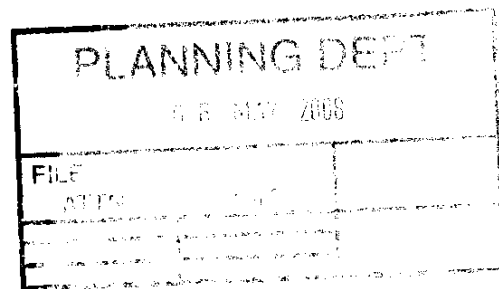
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The Copyright Unit
Her Majesty's Stationery Office
St Clements House
2-6 Colegate
Norwich
NR3 1BQ

Documentation lodged with the original application

- Covering letter from Waystone to Bolsover District Council dated 12th March 2007, and associated drawings
- Application form as submitted and certificate
- Design Statement produced by Tangram Architects and Designers
- Disabled Access Statement produced by Tangram Architect and Designers
- Travel Plan and Car Parking Assessment produced by Waystone Limited
- Planning Statement by Leith Planning Limited dated February 2007
- Healthcare Statement by Cygnet Health Care Ltd dated 5th March 2007
- Drawing by FPCR – Detailed Planting Plan drawing reference 3266/L/01
- Drawings by Tangram Architects



Documentation lodged after validation of the application

1. Rebuttal to letters of Objections by Leith Planning Limited and covering letter to Tim Ball dated 25th May 2007
2. Rebuttal to Consultation Responses by Leith Planning Limited dated 24th May 2007
3. Ecological Survey produced by Hiller Ecological Associated dated July 2007
4. Transport Assessment by Scott Wilson dated May 2007
5. Environmental Assessment Greenway Landscapes dated May 2007
6. Local Community Benefits Statement by Leith Planning Limited dated May 2007

PLANNING DEPT		
06 MAY 2008		
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LEITH PLANNING LIMITED

Our Ref: LPL192-049 30-04-08

The Planning Inspectorate
Registry/Scanning
Room 3/01 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

PLANNING DEPT	
06 MAY 2008	
FILE	
ATTN.	INIT.
<i>[Handwritten signature]</i>	<i>[Handwritten signature]</i>
<i>[Handwritten initials]</i>	

30th April 2008

Dear Sir

Re: Appeal against Bolsover District Council's Refusal of Planning Permission for the erection of a two story 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 – Application No. 07/00148/FULMAJ.

Planning Application 07/00148/FULMAJ: Waystone Ltd submitted an application for the above scheme on 12th March 2007. The application was validated by the council on the 13th March 2007 and given an application ref: 07/00148/FULMAJ. A planning committee was held on the 7th November 2007 and the outcome of the planning committee was that planning permission be refused. A Decision Notice was issued refusing planning consent and is dated 8th November 2007.

Planning Appeal: Please find enclosed our appeal against Bolsover District Council's decision to refuse planning permission (Application Reference 07/00148/FULMAJ) and associated documentation.

Public Local Inquiry: Given that the application has generated considerable local interest it is envisaged that the matter will progress by way of a Public Local Inquiry.

Pre-Inquiry meeting/Statement of Matters: It is accepted that there is no equivalent under the Inspectors' Rules to rule 5 of the Secretary of State's Rules which deals with the situation where the Secretary of State causes a pre-inquiry meeting. Paragraph 9-12 of Annex 3 are worth noting. Pre-inquiry meetings will be held when the Secretary of State expects an inquiry to last for eight days or more, unless this is considered unnecessary. Rule 5(2)(a) requires the Secretary of State to provide a statement of 'the matters about which he particularly wishes to be informed for the purpose of his consideration of the application or appeal in question'.

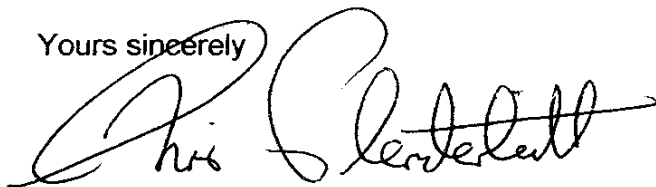
The Council's reasons for refusal focus on four specific matters and, while the Council is invited at this early stage to withdraw Reason 4 (fear and apprehension), the matters will be dealt with in evidence.

While there is no requirement to do so the Inspector is respectfully invited, because of the contentious nature of the application, to provide a statement of those matters about which he particularly wishes to be informed for the purpose of his consideration of the appeal. The main reason for this request is that third parties have raised several matters which the Council do not accept as valid reasons for refusal of the application; however, the Inspector may well require additional comfort/evidence on those matters. It is necessary to achieve a balance between addressing all matters (substantive and otherwise) and the need to use inquiry time effectively; a statement from the Planning Inspectorate may well be helpful in achieving this balance. This is clearly a matter for the Inspector.

Fresh Application: A fresh planning application may be lodged for the site during the life of this planning appeal endeavouring, as far as possible, to overcome the Council's concerns. Should the application be approved without unduly onerous conditions then it may well be possible to withdraw this appeal. However, should the fresh application be refused then a request will be made to co-join it with this appeal.

Receipt: Should you require any additional information or clarification on any matters, please do not hesitate to contact me. Please confirm receipt and validation of this appeal.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Plenderleith', written in a cursive style.

Chris Plenderleith
BA (Hons) MRTPI
Managing Director

Enc

cc. Bolsover District Council