

# APPENDIX 1



## NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008 THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

**Applicant(s)**

Name RESIDENCE (SCOTLAND) LTD

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

**Agent (if any)**

Name ELEVATION

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

Mark this box to confirm all contact should be through this representative:

\* Do you agree to correspondence regarding your review being sent by e-mail?

Yes  No

Planning authority

EAST AYRSHIRE COUNCIL

Planning authority's application reference number

11/0232/PPP

Site address

KILMAURS ROAD, KNOCKENTIBER.

Description of proposed development

PROPOSED ERECTION OF A NURSING HOME

Date of application

26th APRIL 2011

Date of decision (if any)

8th AUG 2011

**Nature of application**

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

**Reasons for seeking review**

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

WE BELIEVE A HEARING IS NECESSARY AS THE PLANNING OFFICER HAS NOT GIVEN SUFFICIENT WEIGHT TO THE ECONOMIC BENEFIT OF THE CREATION OF 50 PERMANENT JOBS

**Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

**Statement**

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

SEE ATTACHED LETTER .

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes  No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

REVIEW LETTER & STATEMENT  
 REFUSAL NOTICE  
 ORIGINAL SUPPORTING STATEMENT  
 DEWTS NOS 01 & 02.

Notes.

1. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.
2. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.
3. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

**Please complete and return this form to Head of Democratic Services, East Ayrshire Council, Council Headquarters, London Road, Kilmarnock, KA3 7BU.**

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

10.10.14



**residence**  
scotland ltd  
land acquisition • development

10<sup>th</sup> October 2011

Head of Democratic Services  
East Ayrshire Council  
London Road  
Kilmarnock, KA3 7BU

Dear Sir/ Madam,

**Notice of Review  
Refusal of Proposed Nursing Home, Kilmaurs Road, Knockentiber (11/0232/PPP)**

The following represents a planning review statement for the use of the land at Kilmaurs Road, Knockentiber, for the erection of a nursing home. This statement follows on from the refusal of our application on 2<sup>nd</sup> December 2010 and a further refusal on the 8<sup>th</sup> August 2011.

The application seeks planning permission in principle to construct a 40 -50 bed nursing / care home on an infill gap site adjacent to Kilmaurs Road, Knockentiber.  
This statement is to provide an assessment of the planning issues and any material considerations that would determine the sites suitability.

The site at present is a roughly triangular shaped field lying directly adjacent to the settlement boundary of Knockentiber and predominantly bounded on all sides by housing to the north, unclassified road to the East, two houses to the south and the B751 Kilmaurs Road to the West.

It is proposed to provide a high quality building and associated landscaped gardens, utilising the latest construction techniques and energy saving technology, such as highly insulated, the use of photovoltaic cells and ground or air sourced heat pumps. This should provide residents with a modern, comfortable and homely environment in which to live, designed to the latest Care Commission standards.

The operation of the nursing home / care home would create around 50 permanent jobs for the area at a time when East Ayrshire has been particularly affected by the rise in unemployment. In addition to this it is estimated that the construction phase will last around 10 -12 months which would create significant employment to the beleaguered local construction industry.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

The Development plan comprise the Ayrshire Joint Structure Plan 2007 and the East Ayrshire Local Plan 2010 adopted on October 26<sup>th</sup> 2010.

We accept that the application site is outwith the settlement boundary of Knockentiber and is therefore contrary to SD3,SD5 & RES 9 of the Local Plan but it is compatible with other aspects and policy of the plan. Granting of consent would not undermine the objectives or integrity of the plan. This conclusion can be drawn from the material considerations that apply here, which are as follows

- Population Statistics indicate that the elderly population in East Ayrshire is increasing. This will increase the requirements for these type of facilities.
- The site although outside the settlement boundary is in fact a gap site between existing houses and roads and makes a natural extension to the settlement boundary
- Government guidance states that consideration should be given to the number of jobs created by a proposal, and in the instance the number would be approx 50 not with standing the construction jobs.
- Application (03/0975/FL) by G & S Homes for Housing was passed by committee for a site adjacent to the application site with an identical status in terms of the development plan and it did not create any permanent jobs
- A recent Application (08/0340/FL) by Mr T Dunnachie at Hillview in Darvel was passed by committee when part of the site was outwith the settlement boundary. No permanent jobs will be created by this proposal.
- Reference has been made to the proximity of the site to a post office and in this regard I must point out that this site is 0.7m from Crosshouse post office, which is approx 13mins walking time along a full width footpath with streetlighting. In comparison the care home at Thortoun is 0.9 miles from Crosshouse post office, which is 18 mins walking time along a very narrow un lit footpath.

In conclusion, there are no identifiable factors that would render this site ineffective in terms of accessibility, infrastructure, services or roads, and the generous area of the development site offers the opportunity to create a sensitive scheme which will not adversely impact on the local environment.

The site would create a sensitive and sympathetic development opportunity and strengthen and support the settlement of Knockentiber.

Furthermore the economic benefits of the proposals cannot be overstated, with the creation of approx 50 permanent jobs along with the initial investment to the area during the construction. It is our opinion that this development will provide a positive legacy to the village of Knockentiber and help make it and the surrounding area more sustainable. It will also help address the balance of care home provision per population being faced in East Ayrshire where we are currently behind 16 other local authority areas in terms of that provision.

Lastly and by know means the least important, has it not been overlooked in the fact that we do not appear to take into consideration that our ageing population may actually want to remain and stay in the settlements and communities that they were born.

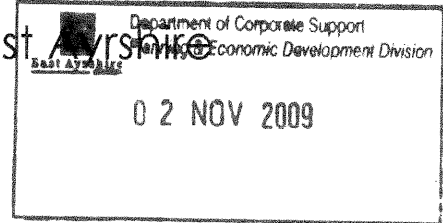
If you require any further information or wish to discuss any of the above please do not hesitate to contact myself.

~~Yours sincerely~~

**JIM BROWNIE**  
Enc.

# Kilmaurs Road - Knockintiber - East Ayrshire

## Proposed Nursing Home Development



### Site Description

The proposed development is located in a gap site to the east of Kilmaurs Road, Knockintiber. To the north and south there are existing residential developments. There is also an existing stand-alone premise at Kilmaurs Road which is bounded by the development site.

The settlement of Knockintiber boasts close proximity to Crosshouse and Kilmarnock, and is likely to attract potential care home residents due to its location and proximity to the largest settlement in the local authority area.

To the west, across Kilmaurs Road, the main settlement area and designated area of open space for Knockintiber is located. The site is directly adjacent to the settlement boundary of Knockintiber, adjoining the boundary to the north, south and west. The eastern boundary is defined by a small unclassified road with established hedgerows to all boundaries being maintained.

### Potential for a Nursing Home

The site has been identified by the applicant as a suitable location to develop a nursing home on the basis that there is a large catchment area within the various surrounding settlements. This is also a key factor for the convenience of support staff local to the area. In addition to this the site is of a sufficient scale that it can accommodate a design solution which will be sensitive to the needs of both the residents and neighbouring properties.

It is proposed that the nursing home would be set back within landscaped garden grounds, in order that a sense of space and privacy can be created. The building will be integrated into the surrounding area with the use of high quality, predominantly traditional material throughout to reflect the traditional elements of housing found in Knockintiber. It is likely that the external walls will consist of white dash render with buff coloured stonework which will serve to break up the elevational mass, with grey slate effect tiled roofs.

The development site comprises around 1.7 Hectares (4.2 acres) and though the proposals are in outline form only at this stage, it is anticipated that the new care home would comfortably provide between 50 and 60 bed spaces, with the building being no more than two storey in height.

### Justification

The site is located adjacent to the main residential areas of Knockintiber. Over recent years there have been small scale residential developments to the east of Kilmaurs Road that have left "gap" sites between development areas along the road front.

# Kilmaurs Road - Knockintiber - East Ayrshire

## Proposed Nursing Home Development

This application seeks to infill one of these "gap" sites with a development which will deliver a high quality of care provision for an increasing elderly population. It will also provide the settlement with an opportunity to diversify from its primary use as a 'dormitory' village for commuters traveling to Kilmarnock and Glasgow.

The operation of this proposed care home would create around 50 permanent jobs for the area, at a time when East Ayrshire has been particularly affected by the rise in unemployment. In addition to this it is estimated that the construction phase will last around 10-12 months which would create significant employment for the beleaguered local construction industry at this time.

### Conclusion

In conclusion, there are no identifiable factors that would render this site ineffective in terms of accessibility and infrastructure, and the generous area of the development site offers the opportunity to create a sensitive scheme which will not adversely impact on the local environment.

This site would create a sensitive and sympathetic development opportunity for Knockentiber and continue to realize the opportunity of natural expansion to the east of Kilmaurs Road by developing "infill" sites to strengthen and support the settlement of Knockentiber.

Furthermore, the economic benefits of the proposals cannot be overstated, with the creation of approximately 50 permanent jobs along with the initial investment to the area at the time of construction. It is therefore our opinion that this development will provide a positive legacy to the area for years to come.

The location of this land directly adjacent to the settlement boundary of Knockentiber, the proximity to local services and facilities, and the potential attraction of the area due to its proximity to Kilmarnock are all factors that we believe support and enhance the potential benefits of promoting a nursing home.

DN24 - PPP(Local Development)(Refusa)

Department of Neighbourhood Services  
**Head of Planning and Economic Development Service**  
Alan Neish Dip TP



Postal address: EAC Planning & Economic Development, PO Box 26191,  
Kilmarnock, KA1 9DX  
E-mail address: [submittoPlanning@east-ayrshire.gov.uk](mailto:submittoPlanning@east-ayrshire.gov.uk)

Office location: The Johnnie Walker Bond, 15 Strand Street, Kilmarnock, KA1 1HU  
(if calling in person) Phone 01563 576790 Fax 01563 554592

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(as amended by The Planning etc. (Scotland) Act 2006)**

**Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2008**

**Application Reference Number: 11/0232/PPP**

TO: Residence Scotland Ltd  
per  
Steven Denham  
The Clocktower  
Gibbs Yard  
Auchincruive  
Ayr  
KA6 5HN

**REFUSAL OF PLANNING PERMISSION IN PRINCIPLE**

With reference to your application validated on 26th April 2011 for planning permission under the above mentioned Act and Regulations for the following development:

Erection of nursing home as indicated in the plans:

Plan Type	Reference	Version No	Received Date
Location Plan	01	A	
Block Plan	02	A	

AT

Proposed Nursing Home, Kilmaurs Road, Knockentiber, East Ayrshire,

East Ayrshire Council in exercise of their powers under the above mentioned Act hereby **REFUSE** planning permission in principle for the said development. The reasons for the Council's decision are:-

1. The proposal does not accord with the sustainable ideals of Policy STRAT 1 of the Ayrshire Joint Structure Plan 2007 and Policy SD 1 of the East Ayrshire Local Plan 2010, in that, as a new development, the proposal would have an unacceptable adverse impact on the character and appearance of its particular location; and the environment and amenity of local communities and residents of the area.
2. ✓ The proposal is outwith the settlement boundary of Knockentiber, has not demonstrated any justified need for such a location, and therefore the proposal is contrary to Policy SD 3 of the East Ayrshire Local Plan

2010, and as such, would not maintain or improve the integrity, vitality or viability of the settlement or its rural setting.

3. The proposal is contrary to Policy SD5 of the East Ayrshire Local Plan 2010 in that it does not:[i] comprise an acceptable residential development under Policy RES 9;[ii] contribute to rural diversification as a development with a justified need for a rural location;[iii] contribute to farm diversification;[iv] demonstrate benefit to the vitality and viability of local rural communities; and [v] provide of the operational needs of agriculture or forestry, and without a demonstrated need for the location outwith the settlement boundary would result in an unacceptable form of development in the rural area.
4. The proposal is contrary to Policy RES 30 of the East Ayrshire Local Plan 2010 in that the proposals for the provision of community care housing shall be directed to identified sites within the local plan, and outwith such sites will only be acceptable where sites are in close proximity to a Post Office, local shops and services, and subject to:[i] impact on surrounding uses;[ii] transportation and infrastructure implications; and [iii] loss of maintained open space. In this instance, the village of Knockentiber has only one shop, a public house and no Post Office, and is served by a relatively infrequent bus service, and the proposal would have an unacceptable impact on surrounding uses and services.

Dated this 8th August 2011

Signed.....

Alan Nelson

Head of Planning and Economic Development

**Notes to Applicant:**

1. If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the Planning Authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 **within three months from the date of this notice**. A Notice of Review form for this purpose is available for download from the Councils website (<http://www.east-ayrshire.gov.uk/devser/planandbuild/online.asp>) or on request by contacting the offices listed above. The completed Notice of Review form should be sent to the **Head of Democratic Services, East Ayrshire Council, Council Headquarters, London Road, Kilmarnock, KA3 7BU**.
2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Elizabeth Morton, Depute Chief Executive/Executive Director of Neighbourhood Services

NOTES

NO.	REVISION	DATE	BY
A	Boundary revised (Area = 1.7Ha)	Nov 2009	SD

CLIENT  
 Residence (Scotland) Ltd  
 19 Tarbolton Road  
 Dundonald  
 South Ayrshire

PROJECT  
 Land Opposite Football Field  
 Kilmours Road  
 Knockintiber  
 East Ayrshire

REV. NO.	REV.
01	A


**elevation**  
 architectural designworks  
 11 Ceirnfere Avenue  
 Troon  
 KA10 7JL  
 South Ayrshire

Tel 1: 01292 525 890  
 Tel 2: 01292 318 455  
 Email: info@elevation-td.co.uk





North

NO.	REVISIONS	DATE
1	Issued for public review & input	Nov 2008
2		

CLIENT  
 Kierulff (Scotland) Ltd  
 17 Radcliffe Road  
 South Ayrshire

PROJECT  
 Land Specials Football field  
 Kierulff (Scotland) Ltd  
 17 Radcliffe Road  
 South Ayrshire

DATE	10 Oct 2009
DESIGNER	SAKD
SCALE	1:500 @ A1
DWG NO.	02
REV.	A

**levation**  
 OF ARCHITECTURAL DESIGNWORKS  
 11 Cantriloe Avenue  
 Room 11  
 SA10 7JL  
 South Ayrshire  
 Tel 1: 01292 525 890  
 Tel 2: 01292 318 455  
 Email: info@levation.co.uk