

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 4 MARCH 2011

**10/0936/PPP: ERECTION OF NEW RESIDENTIAL CARE HOME
INCLUDING ASSOCIATED ACCESS ROAD TO JUNCTION WITH A71,
CAR PARKING AND LANDSCAPING
AT
116 GALSTON ROAD, HURLFORD**

BY MR JOHN MILLER

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=10/0936/PPP>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The application proposes the erection of a Class 8 (Residential Institutions) nursing home development. As the application is in principle, little specific design detail has been presented however the applicant has submitted a supporting statement and has advised that indicatively 30-35 beds would be proposed and that access will be taken from the existing position at the east of the site. Furthermore, they see the eastern portion of the site as a 'gateway' to Hurlford and as such would position the main entrance and 'public' accommodation at this end of the site as a focal point on the approach to the village. If this application is approved by Members these details would be addressed in further applications to be submitted to the Planning Authority.

1.2 The applicant considers that a single and two storey property would accommodate the development proposed. Also envisaged within the site would be an area of private amenity space incorporating public facing gardens, private gardens to the rear and SUDS, all landscaped to provide an attractive focal point when entering and exiting Hurlford.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions on the sheet attached to this report but that the decision notice is not issued until the application has been notified to and agreed by the Scottish Ministers.

3. CONCLUSIONS

3.1 Sections 25 and 37 (2) of the Town and Country Planning (Section) Act 1997 require that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

3.2 The site is zoned for a residential use and as such, the proposal to site a Class 8 nursing/residential care home on the site is considered to be contrary to the strategic policy of the Development Plan. The policy which relates to nursing/residential care homes states various criteria where such a use would be acceptable in principle. As detailed previously this site is considered to comply with these criteria and as such meets with Policy RES30.

3.3 The key material considerations in respect of this application are the consultation responses, the impact on the amenity of the area and the planning supporting statement. The consultees have raised no particular issue that would warrant the refusal of this application and conditions can be attached to any grant of consent to ensure that matters of relevance to the consultees are taken into consideration at the detailed submission stage. The re-use of this site is generally to be encouraged to improve the visual and environmental amenity of the surrounding area. The site is partially brownfield in nature at a key approach to the town and is considered to be an eyesore. Development and re-use of the site will significantly lift the appearance of this area and return a brownfield site to use.

3.4 The applicants supporting statement acknowledges that the development is contrary to the strategic Development Plan policy although it does argue that the loss of this housing site would not adversely impact on the capacity of the housing land-bank or the housing provision in the local area and would meet with the requirements of various other development plan policies. It is therefore considered that the loss of this small site will not adversely impact on overall housing provision within East Ayrshire and is likely to meet with other development plan policies, more so at the detailed application stage. Furthermore, the statement argues that an ageing population profile suggests that such facilities will be required within the East Ayrshire area in the near future, would create up to 25 jobs and would positively enhance the environment at this 'entry point' into Hurlford. The creation of long term jobs in the current difficult financial climate is considered to be of importance in the determination of this application and the proposal is likely to meet with increasing demand in the future as the population generally gets older. It is agreed that the development would bring environmental and visual improvements to this site.

3.5 Whilst the development is contrary to the key development plan policy, it is considered that the use is not significantly different from a standard

residential use, would visually and environmentally improve a key site at the entrance to Hurlford and would create jobs at a difficult financial time. On this basis it is considered that the application should be supported.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to Council as this would not constitute a significant breach of policy.

Alan Neish
Head of Planning and Economic Development

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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BY MR JOHN MILLER

Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission in principle, to be considered by the Northern Local Planning Committee under the scheme of delegation as the recommendation for approval is a significant departure from the Local Development Plan.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is 4925m² and is located at the edge of Hurlford to the south of the A71 public road. The site can be predominantly regarded as brownfield with a dwellinghouse and business use formerly located on the eastern portion of the site. The western part of the site is currently within the large garden of 90 Galston Road which is a residential property and is grassed over with a fairly open appearance given the low boundary fence. There is a change in level of approximately 2-3 metres through the site running west to east.

2.2 The site is bounded by dwellings to the west and the A71 to the north with a field zoned for residential development in the local plan across this road with a nursing home to the north east, also across the road. The east and south of the site are bounded by trees and the general rural area. Access is currently taken from the eastern part of the site.

2.3 **Proposed Development:** The application proposes the erection of a Class 8 (Residential Institutions) nursing home development. As the application is in principle, little specific design detail has been presented however the applicant has submitted a supporting statement and has advised that indicatively 30-35 beds would be proposed and that access will be taken from the existing position at the east of the site. Furthermore, they see the eastern portion of the site as a 'gateway' to Hurlford and as such would position the main entrance and 'public' accommodation at this end of the site

as a focal point on the approach to the village. If this application is approved by Members these details would be addressed in further applications to be submitted to the Planning Authority.

2.4 The applicant considers that a single and two storey property would accommodate the development proposed. Also envisaged within the site would be an area of private amenity space incorporating public facing gardens, private gardens to the rear and SUDS, all landscaped to provide an attractive focal point when entering and exiting Hurlford.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads Service has advised that a two metre wide public footway with possible street lighting will be required adjacent to the A71, a Transport Assessment should be submitted with the detailed application, no surface water should discharge to the public footway/highway and visibility splays of 2.5m by 90m will be required at the vehicle access.

Planning conditions can be attached to any grant of consent to ensure that these matters are fully considered and addressed at the detailed application stage.

3.2 East Ayrshire Council Environmental Health Service has no objections to the proposal but has provided various comments concerning construction, noise, waste and drainage.

Appropriate conditions and advisory notes can be attached to address these matters.

3.3 East Ayrshire Council Environmental Health Service (Contaminated Land Officer) has advised that there is potential for soil contamination and therefore recommends the attachment of planning conditions to address these matters.

Appropriate conditions can be attached to a grant of consent to address these matters.

3.4 Scottish Water has no objections to the development in principle but notes that this does not guarantee a connection to their supply.

3.5 Scottish Environment Protection Agency (SEPA) has no objection to the development and points to its general guidance notes on small scale developments.

Drainage arrangements for the site should be the subject of a condition for the submission of information at the detailed application stage if Members choose to grant consent.

3.6 East Ayrshire Council Access Panel and Hurlford and District Community Council have not responded at the time of writing this report.

Noted.

3.7 The Department of Education and Social Services have been consulted on the proposals but their response is not available at the time of writing this report.

4. REPRESENTATIONS

4.1 No representations have been received following neighbour notification and public advertisement of the proposal.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application the Development Plan comprises the Adopted East Ayrshire Local Plan 2010(EALP).

5.2 Policy RES 1 advises that the Council will encourage and support the residential development of those Development Opportunity Sites identified on the local plan maps.

The site is known as 302H within the local plan and has an indicative capacity of 10 residential units. The proposed use does not comprise a residential housing site as a nursing home falls within Class 8 (Residential Institutions) of The Town and Country Planning (Use Classes) (Scotland) Order 1997 and as such the development as proposed would be contrary to the terms of this policy.

5.3 Policy RES 30 advises that the provision of community care housing on sites not specifically identified for such purposes and in close proximity to a post office or other range of shops and on a public transport route will be acceptable to the Council subject to three criteria. These include the impact on surrounding environment and adjacent uses, transportation and infrastructure implications and loss of maintained open space.

The proposed development is in fairly close proximity to the town centre of Hurlford which is located approximately 400 metres west on Galston Road. A bus route is located on the A71 which immediately bounds the site connecting the site with Kilmarnock and the Irvine Valley. The proposals are considered to have a positive impact on the surrounding environment and will significantly improve the visual amenity of Hurlford, particularly at this gateway location. The Council's Roads Service has raised no objection and the specific design detail will be considered at a detailed application stage. There is no loss of maintained open space.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultation responses, the impact on the amenity of the area, the applicants supporting statement and the planning history of the site.

Consultation Responses

6.2 The consultation responses detailed in section 3 of this report do not raise any issues that warrant refusal of the application. Various conditions and advisory notes can be attached to any grant of consent to meet with the requirements of the consultees.

Impact on Amenity

6.3 The proposal will improve the visual amenity of the site at this gateway location into Hurlford. The site is currently in poor condition and half of it shows the visible remains of the former use. A well designed and sited signature building will tidy up the site and provide an interesting focal point at the entrance to the town comprising a significant improvement to the streetscape and surrounding levels of visual amenity. Access arrangements and permeability could be improved which will benefit the surrounding community and the use will be of benefit to local people.

Planning History

6.4 The site has been subject to various applications and the relevant planning history is as follows:

(i) 08/0313/FL for the erection of 12 semi detached dwellings, alter access to highway including demolition of existing buildings was approved with conditions on 8 September 2008.

(ii) 07/0692/FL for the erection of 14 semi detached dwellings, alter access to highway including demolition of existing buildings was withdrawn on 17 March 2008.

(iii) 03/0524/OL for proposed development of land for residential purposes (outline only) was approved with conditions on 29 September 2004.

(iv) 02/0161/OL for proposed housing development (outline) was withdrawn on 7 October 2002.

(v) 99/0134/FL for proposed change of use from storage of cars and furniture to sales of cars and furniture was approved with conditions on 20 April 1999.

Supporting Statement

6.5 As detailed in Section 2 of this report, the applicant has submitted a supporting statement with their planning application which focuses on the envisaged development, the policy position and various other supporting information to demonstrate that the use of this site for a non Class 9 (Housing) use would not adversely impact on the area in terms of housing supply figures and would provide a useful facility as well as create up to 25 jobs.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 In terms of legal implications, there is a requirement to notify the planning application to the Scottish Government prior to any decision being released under Circular 3/2009: 'Notification of Planning Applications', should Members choose to grant consent as the proposal is a significant departure from the Local Development Plan.

8. CONCLUSIONS

8.1 Sections 25 and 37 (2) of the Town and Country Planning (Section) Act 1997 require that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 The site is zoned for a residential use and as such, the proposal to site a Class 8 nursing/residential care home on the site is considered to be contrary to the strategic policy of the Development Plan. The policy which relates to nursing/residential care homes states various criteria where such a use would be acceptable in principle. As detailed previously this site is considered to comply with these criteria and as such meets with Policy RES30.

8.3 The key material considerations in respect of this application are the consultation responses, the impact on the amenity of the area and the planning supporting statement. The consultees have raised no particular issue that would warrant the refusal of this application and conditions can be attached to any grant of consent to ensure that matters of relevance to the consultees are taken into consideration at the detailed submission stage. The re-use of this site is generally to be encouraged to improve the visual and environmental amenity of the surrounding area. The site is partially brownfield in nature at a key approach to the town and is considered to be an eyesore. Development and re-use of the site will significantly lift the appearance of this area and return a brownfield site to use.

8.4 The applicants supporting statement acknowledges that the development is contrary to the strategic Development Plan policy although it

does argue that the loss of this housing site would not adversely impact on the capacity of the housing land-bank or the housing provision in the local area and would meet with the requirements of various other development plan policies. It is therefore considered that the loss of this small site will not adversely impact on overall housing provision within East Ayrshire and is likely to meet with other development plan policies, more so at the detailed application stage. Furthermore, the statement argues that an ageing population profile suggests that such facilities will be required within the East Ayrshire area in the near future, would create up to 25 jobs and would positively enhance the environment at this 'entry point' into Hurlford. The creation of long term jobs in the current difficult financial climate is considered to be of importance in the determination of this application and the proposal is likely to meet with increasing demand in the future as the population generally gets older. It is agreed that the development would bring environmental and visual improvements to this site.

8.5 Whilst the development is contrary to the key development plan policy, it is considered that the use is not significantly different from a standard residential use, would visually and environmentally improve a key site at the entrance to Hurlford and would create jobs at a difficult financial time. On this basis it is considered that the application should be supported.

9. RECOMMENDATIONS

9.1 It is recommended that the application be approved subject to the conditions on the sheet attached to this report but that the decision notice is not issued until the application has been notified to and agreed by the Scottish Ministers.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to Council as this would not constitute a significant breach of policy.

Alan Neish
Head of Planning and Economic Development

23 February 2011

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Adopted East Ayrshire Local Plan.
5. Applicant supporting statement
6. Planning application 08/0313/FL
7. Planning application 07/0692/FL
8. Planning application 03/0524/OL
9. Planning application 02/0161/OL
10. Planning application 99/0134/FL

Anyone wishing to inspect the above papers please contact David Wilson, Acting Senior Planning Officer, on 01563 576779.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL
TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 10/0936/PPP

Site of Proposal:	116 Galston Road, Hurlford
Nature of Proposal:	Erection of new residential care home including associated access road to junction with A71, car parking and landscaping
Name and Address of Applicant:	Mr John Miller C/o Agent
Name and Address of Agent	Hobson Architects Seacliff Eglinton Terrace Skelmorlie PA17 5EP

DPO's: Reference: David Wilson
01563 576779

Subject To Notification To Scottish Ministers

This application for planning permission in principle should be granted subject to the following conditions:

1. The development details provided on the approved location and site plans and on the front cover of the Planning Statement do not form part of this consent.

Reason: The details as submitted are for indicative purposes only and for the avoidance of doubt.

2. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the matters specified in the conditions below.

- (a) The overall site layout
- (b) The size, height, design, floorspace and external appearance of the care home building
- (c) The means of surface water drainage and sewage disposal including the provision of a SUDS system;
- (d) Details of the access arrangements, both vehicular and pedestrian, including the provision of a Transport Assessment covering accessibility, traffic generation, junction analysis principles and sustainable transport options;
- (e) The provision for car parking within the site;
- (f) The site boundary treatments;
- (g) Existing and proposed site levels and finished floor levels; and
- (h) The provision for open space, landscaping of the site and the associated maintenance arrangements for same.

Reason: The application is for planning permission in principle only at this stage.

3. Details to be submitted under condition 2(d) shall include the provision of a two metre wide pedestrian footpath at the boundary of the site with the A71 public road to be designed to the Roads Development Guide 1986 standards and to include the provision of street lighting, where deemed necessary, based on a survey of existing street lighting illumination at this location.

Reason: To ensure that public pedestrian access to and from the site is provided in a safe manner, in the interests of public and road traffic safety.

4. Details to be submitted under condition 2(d) above shall include the provision of sightline visibility standards of 2.5 metres by 90 metres and these sightlines shall be provided on site during all construction works and thereafter during the occupation of the building.

Reason: To ensure that appropriate visibility standards are maintained at the site in the interests of road safety.

5. During the construction period measures shall be taken to ensure that no mud or other materials from the site shall be deposited on any road or footpath outside the site.

Reason: To ensure that mud and debris from the site does not impact on traffic safety on the adjacent and surrounding public road network.

6. No demolition or external construction work, site clearance or preparation works shall take place before 08:00 hours and after 18:00 hours on Mondays to Fridays and before 08:00 hours and after 13:00 hours on Saturdays, nor at any time on Sundays.

Reason: In the interests of maintaining, to a reasonable degree, the residential amenity of the surrounding area.

7. No development shall commence on site until a site investigation and risk assessment has been carried out and has been submitted to and approved in writing by the Planning Authority.

The investigation shall be conducted in line with BS 10175: 2001 code of practice for 'The investigation of potentially contaminated sites' and Contaminated Land Report 11 – 'Model Procedures for the Management of Land Contamination', (CLR 11). The report should be compiled with reference to East Ayrshire Councils' Guidance document "An Introduction to Land Contamination and Development Management". The report will contain details of proposals to deal with contamination to include:

- (i) The nature, extent and type(s) of contamination on the site;
- (ii) A site specific risk assessment of all relevant pollutant linkages
- (iii) A Remedial Strategy (if required) to treat/remove contamination to ensure the site is fit for the use proposed.
- (iv) Measures to deal with unsuspected contamination discovered during construction works;

Reason: To ensure potential risks arising from previous site uses have been fully assessed.

8. Following the approval of the site investigation and risk assessment under Condition 7 above and prior to any further site development, the developer shall submit a report for the written approval of the Planning Authority, confirming that the remedial work (if required to be undertaken) has been carried out in accordance with the remediation plan.

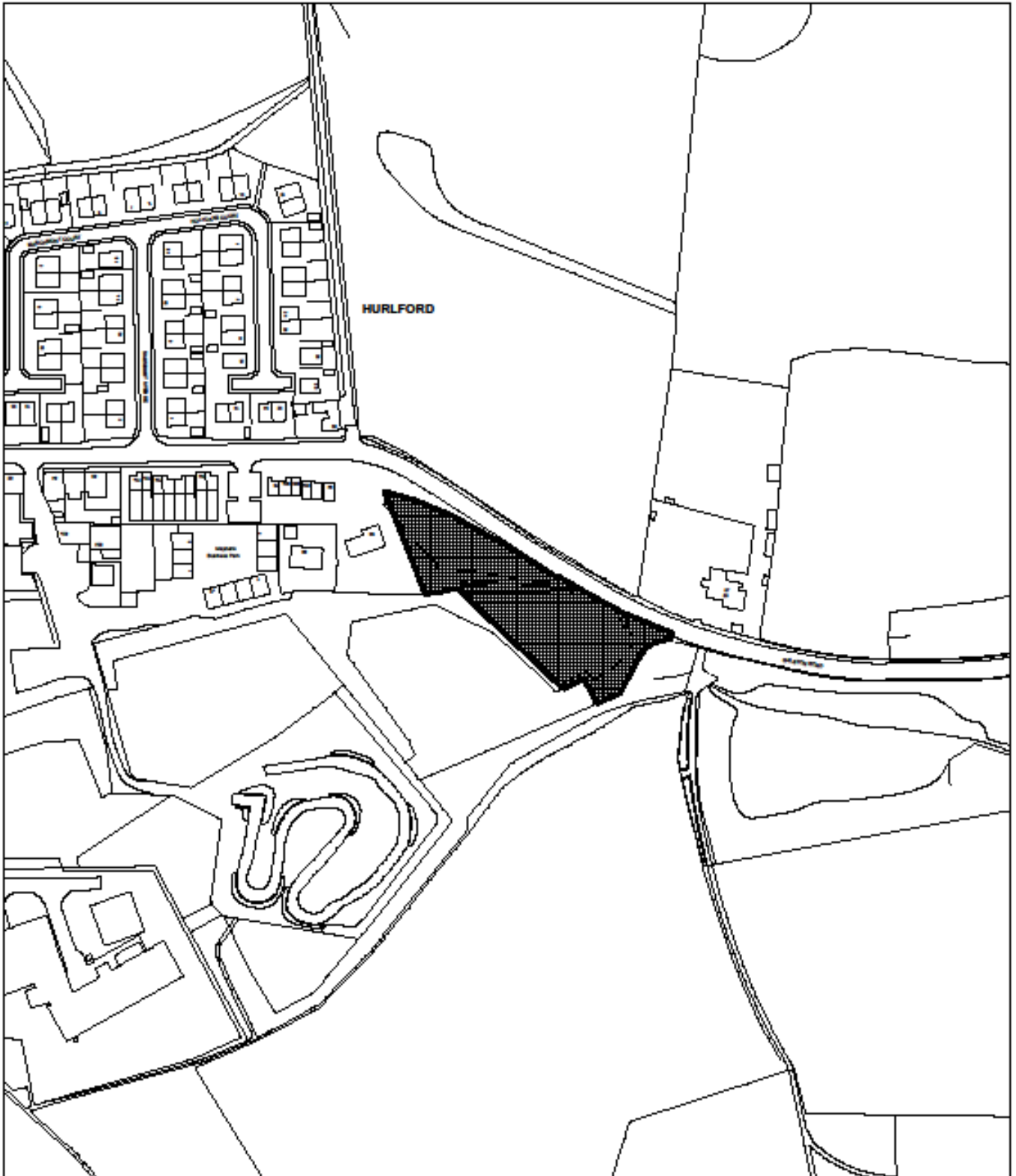
Reason: To provide verification that remediation of the site has been carried out in accordance with the remediation plan and to the Authority's satisfaction



Notes

1. No surface water should discharge from the application site onto the public road.
2. The applicant is advised to make early contact with Scottish Water to discuss the requirement to connect to their network.
3. An Introduction to Land Contamination and Development Management" is available to download at : <http://www.east-ayrshire.gov.uk/devser/planandbuild/dpguidance.asp>

Reason for the Decision

The proposed development is contrary to the terms of the Development Plan however the material considerations of this application are considered to carry significant weight such that approval of the application would be appropriate in terms of Section 25 & 37 of the Town and Country Planning (Scotland) Act 1997.



<p>Title/Location</p> <p>Residential Care Home, 116 Galston Road, Hurlford Application No. 10/0936/PPP</p>	<p>East Ayrshire Council Department of Neighbourhood Services Planning & Economic Development Service. 6 Croft Street Kilmarnock KA1 1JB Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : Planning@east-ayrshire.gov.uk Com Date: 4/3/2011</p> 
<p>Key</p>  <p>Application Site</p>	


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Rev: Issue
A 29.11.10
Site boundary line amended to match landscape plan

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 HOBSON The Group 100020449 0187 32288 info@hobson.co.uk www.hobson.co.uk	project: residential care home Gullion Road Hatfield	drawing: proposed site plan (see road junction below)	date: 10.11.10
	client: Miller Property Development Ltd.	job no: 1010	scale: 1:500