

EAST AYRSHIRE COUNCIL

REPORT OF HANDLING

Application Number : 11/0232/PPP
Applicant Name: Residence Scotland Ltd
Development : Erection of nursing home
Location : Proposed Nursing Home
Kilmaurs Road
Knockentiber
East Ayrshire

Type : Planning Permission in Principle

1. Development Description

Erection of nursing home.

2. Site Description

Site is a gap site on Kilmaurs Road, Knockentiber, but is not in the settlement boundary. Open aspect to the east of the site, largely agricultural. Bounded by south and north by buildings [houses]. To the west is a play area, with houses overlooking.

3. Representations Summary

Nine objections were received. Issues raised included:

- The proposal is outwith the settlement boundary of Knockentiber and is contrary to the East Ayrshire Local Plan [EALP];
- No further housing development sites are planned for Knockentiber;
- It is not an acceptable form of residential development;
- It does not contribute to rural or farm diversification;
- It does not benefit the community;
- It is not in close proximity to a Post Office, and there are no local shops;
- There is only a limited bus service for the village;
- There would be significant impacts on the village in terms of increased traffic and constraints on the sewerage system. Once the play area is developed, the increased traffic will be a safety concern for children.

Some of these issues [with regard to the Local Plan] are discussed and assessed in Section 5, below. With regard to the wider community concerns, the proposal would undoubtedly have an impact on a settlement the size of Knockentiber, in terms of traffic generation, activity and noise. Some of these issues could be covered by condition (such as noise impact assessment & mitigation), if the proposal was found to be acceptable in principle, however, some issues cannot be controlled in this way, such as the general overall activity that would be brought into the village as a result of a development of this scale.

4. Consultations Summary

East Ayrshire Access Panel North District

Would make comment at the detailed design stage.

Roads And Transportation no objections subject to conditions on:

1. Sight lines of $x=2.5 \times y=70m$ must be provided from the proposed access junction.
2. A footway constructed to adoptable road standards must be provided along the frontage of the proposed site.
3. Street lighting must also be provided along the frontage of the site.
4. Appropriate parking must be allocated along with the provision to include buses.
5. The Roads Division must again be informed when full design is submitted.

NHS Ayrshire And Arran

No response.

Care Commission

No comments able to be made as the application is not in detail.

Economic Development

The response noted that from an Economic Development perspective, the proposal would create jobs in the local area, and that 50 posts seemed a realistic figure, as well as the development having a benefit in terms of any knock on effect on local services. One concern, however, was the effect of the level of competition in the provision of nursing home bed spaces, with some nursing homes in the district being unable to fill rooms, suggesting there may be some overprovision of spaces in the district.

5. Development Plan Summary

Policy STRAT 1 of the Structure Plan notes that the three Councils shall apply the principles of sustainable development to the consideration of planning applications, ensuring amongst other considerations; that [i] an effective supply of land for economic development is identified; [ii] previously developed land will be promoted in preference to greenfield sites; [iii] sites for local community use will be identified and promoted; areas of economic development will require to be accessible by a range of transport modes; and [iv] in selecting locations for future development, preference will be given to sites that are well integrated with walking, cycling and the public transport network.

Strategic Policy SD1, in line with the Structure Plan Policy STRAT1, also adheres to the principle of sustainability, seeking to ensure all proposals contribute positively to the environmental quality of an area. The Council therefore seeks to ensure that new development does not have an adverse impact on [i] the character and appearance of a particular location; [ii] the environment and amenity of local communities; [iii] landscape character and quality; and [iv] natural resources.

It is considered that the proposal does not accord with the overall principles of both of these policies, and of sustainable development, in the first instance. The site is not well served by local services or by public transport, and is of a relatively large scale which for a village the size of Knockentiber. The frequency of bus Services serving the village is approximately once every two hours, and there are no other links to the public transport network.

The Structure Plan also makes provision for strategic guidance on development opportunities in local communities, and identifies local community towns and village settlements that have capacity for both significant and small scale development opportunities. Knockentiber is identified for small scale development opportunities; however these would require to be implemented within the framework of the East Ayrshire Local Plan and directed to the areas within the settlement boundary, as per the following policy.

Policy SD3 states that there shall be a general presumption that all new development is located within the area settlements identified with a settlement boundary on the local plan maps, unless the development has a justified need for a countryside location. Development outwith settlement boundaries, where such a need cannot be justified, will not receive the support of the Council.

The proposed nursing home is outwith the settlement boundary of Knockentiber. There is no justifiable need for the development to be located in what is a countryside location; therefore the proposal is wholly contrary to this policy.

The Structure Plan also makes provision for appropriate rural development for those areas outwith settlement boundaries. In particular, the Structure Plan directs that the Councils will support rural areas through measures that seek to diversify the rural economy and facilitate appropriate new business.

It is considered, however that a nursing home, is not rural diversification and could be more appropriately located within a larger settlement, closer to local facilities and a more accessible public transport network.

As stated in Policy SD5, development proposals outwith settlement boundaries, as indicated on the Local Plan Rural Area Map, will be acceptable to the Council, only where the development:

- (i) comprises an acceptable forms of residential development in accord with Policies RES9 and RES10

Not applicable

- (ii) contributes to rural diversification through the development of appropriate industrial, business, tourism, leisure, recreational and other developments with a justified need for a rural location;

Not applicable – as it is not considered that the proposal is a form of appropriate business development with a justified need for a rural location.

- (iii) constitutes an acceptable form of farm diversification;

Not applicable - as it is not considered that the proposal is a form of rural diversification.

- (iv) is of demonstrated benefit to the vitality and viability of local rural communities;

The proposal will be of some benefit to the Knockentiber, in terms of providing accommodation for those in need of nursing home care and in relation to the new jobs that would be created. However, this would be the case in relation to any nursing home development, irrespective of where it was proposed. In this respect, the proposal cannot be said to benefit the vitality and viability of Knockentiber in particular.

- (v) provides for the operational needs to agriculture or forestry

Not applicable.

Through Policy RES30, the Council will require the provision of community care house for older people, people with a physical or learning disability etc, on the sites identified and specifically safeguarded for such developments on the local plan maps. Community care housing provision on other sites within close proximity to a Post Office or range of shops, and located on a public transport route will be acceptable to the Council, subject to three considerations:

The nursing home is proposed within Knockentiber, which has only one shop no Post Office, and a public house. The settlement is served by a relatively infrequent bus service. It is therefore considered that the site in Knockentiber does not comply with this policy.

(i) impact on surrounding environment and adjacent uses;

As the proposal is outwith the settlement boundary of Knockentiber, the development would represent a relatively large encroachment into the Rural Protection Area, which would have a significant impact on the nature of Knockentiber as a small predominantly residential village. The adjacent uses are generally agricultural in nature, with some residential properties adjacent to the boundary with Kilmaurs Road.

(ii) transportation and infrastructure implications;

Roads Section and all other service providers have been consulted separately on this application, but also, would be consulted at a subsequent detailed stage if that application was acceptable and approved.

(iii) loss of maintained open space

The development is proposed within an area of countryside rather than an area of maintained open space, therefore there is no loss of open space, but a loss of agricultural land.

Under Policy CS1 the Council will, respond positively to changing needs and demands for community, educational, sporting, leisure, cultural and other facilities serving local communities throughout East Ayrshire. In particular, the Council will encourage and support the development of such new facilities as may be required and the upgrading, expansion and improvement of existing facilities to meet local needs.

It is considered that the proposal will create a new service for the benefit of elderly people in need of nursing home care. The proposal is therefore broadly in line with this principle of this policy, however, that would be the case wherever such a development was proposed.

Conclusion

Whilst the provision of new community care facilities is generally supported through the local plan, this should be on sites allocated for such uses and planned for through the Local Plan process. The nursing home is proposed outwith the settlement boundary of Knockentiber and is therefore contrary to the principles of STRAT1, of the Ayrshire Joint Structure Plan, and policies SD1, SD3 and SD5 of the EALP. The proposal is also contrary to Policy RES30 as such developments should be directed to locations within close proximity of a post office and local shops, as well as being well served by public transport. Whilst the proposal accords with Policy CS1, the proposed location does not meet any of the requirements from RES 30, above. Fundamentally, it is a proposal for a new build facility outwith the designated settlement boundary, on a greenfield site, and is contrary to the Development Plan.

6. Material Considerations

Supporting Statement:

The applicants have included a statement giving their reasoning for the site and the proposal, for a 40-50 bed [in principle] home. The statement recognises that the site is not within the settlement boundary of Knockentiber, but adds that the proposal would be a high quality construction, with renewable energies, and that the build programme would take approximately a year, giving the local building trade some work, as well as the finished proposal creating some 50 permanent jobs.

The applicants also agree that the proposal is contrary to Policies SD3, SD5, and RES 9. [RES 9 is not an applicable policy as that concerns mainstream residential houses, rather than care homes]. The letter notes, however, that granting this application would still be in line with 'other aspects and policies of the plan', and in support of this a number of material considerations [in the applicants view] are included as support of the application as follows:

Population statistics indicate the elderly population is increasing and requirement for facilities for elderly care will increase.

Noted, it is a widely acknowledged factor that the country has an aging population. This Division maintains that whilst demand for care homes will likely increase, these should be directed to sites with good access to services and facilities, and be within any given settlement boundary.

The site although outwith the settlement boundary's a gap site and makes a natural extension to the settlement boundary.

The EALP has been through its examination by the Scottish Ministers in 2010, and the settlement boundaries agreed and approved at that stage. There are no plans to make a subsequent alteration to the settlement boundary at this stage into the 2010 EALP. Whilst the site may be viewed as a gap site on Kilmaurs Road, it is still outwith the settlement boundary of Knockentiber. The correct juncture to consider whether any settlement boundary should be extended is at the time the next Local Plan is being prepared.

Government guidance states that consideration should be given to the number of jobs created by a proposal.

This is not referenced in any way, so it is not possible for the case officer to make any judgement on it. However, government guidance also states that *'Development Plans should be concerned primarily with land and infrastructure. The efficient use of land and good infrastructure are important for the wellbeing of an area, particularly where they are supported by the commitment to the creation and maintenance of high quality places. Development plans should provide clear guidance on what will or will not be permitted and where.'* [Scottish Planning Policy Part 3 Development Plans s.14].

Additionally, *'decisions should be taken against a framework of up to date and effective development plans and supplementary guidance. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another'* [ibid s.22 & s.23].

Furthermore, the Town and Country Planning (Scotland) Act 1997 requires decisions *'to be made in accordance with the development plan unless material considerations indicate otherwise - material considerations should be related to the development and use of land.'* [ibid s.25]

Reference is made in the supporting statement to applications 08/0340/FL and 03/0975/FL; however, within the Development Management process, each application is treated and assessed on its own merits.

Re 08/0340/FL, [as records for this application are readily available], most of this site was in the settlement boundary and was identified for housing; however, part of the site was not in the settlement boundary. This application was approved at Committee contrary to officers' recommendations.

Noting the proximity to the local Post Office (PO), the statement notes the PO is some 0.7 miles distant, compared with the PO at Crosshouse in comparison with Thorntoun Nursing Home, some 0.9 miles distant.

The two nursing homes are not direct comparators, as Thorntoun Nursing Home was built as a school in 1971, and converted after the school closed in 1990. Any new developments have been linked to the expansion of facilities to this existing site, and in terms of sustainability, there is justification for further developing an existing site, in comparison to developing a greenfield site. There is no PO in Knockentiber, however, there is a general store.

The statement goes on to note the economic benefits of the proposal, with the creation of a stated 50 permanent jobs for a 40-50 bed home.

No evidence is submitted on how these staff numbers would be comprised, but it is

accepted that some jobs would be created through the proposal. It is also assumed that most staff would travel to the facility by private car, as there is an infrequent bus service to Knockentiber. Although, there may be some economic benefit associated with the proposal, the Town and Country Planning (Scotland) Act 1997 requires [as noted above] that decisions are *'to be made in accordance with the development plan unless material considerations indicate otherwise - material considerations should be related to the development and use of land'* [ibid SPP s.25]. In that respect, the job creation element cannot be given a great deal of weight in the assessment of this application in principle, notwithstanding this, it is recognised that any kind of capital project, would have an economic benefit to the local economy, but this should be carried out within acceptable sites which conforms to the overall sustainable ideals of the local plan, as well as the detailed policies.

The applicant has also noted they are willing to fund traffic calming measures in the village, as part of their planning proposal and as part planning gain.

Noted.

Other material considerations:

Consultation Responses:

None that would warrant refusal.

Representations:

The objectors have raised concerns relative to the local plan designation of the site, and the perceived effects of the proposal on the village. It is considered these objections have some weight in the determination of the application.

Planning History:

09/0772/PPP for a very similar proposal was refused 02/12/10. Furthermore, during the examination into the East Ayrshire Local Plan 2010, the Reporter appointed by the Scottish Ministers considered the boundaries of the settlements in the district, and whether these should be contracted or expanded. The settlement boundary of the village had already been expanded to incorporate a small part of the Hannah Drive area to the north of the application site. At the time of the local plan preparation, the inclusion of the site on which the proposal is located, into the settlement boundary of the village was considered. The Reporters' findings were that the site should not be included in the settlement boundary. The development would represent a sizable encroachment into the Settlement Protection Area, as this would have a significant impact on this small predominately residential village, and in particular, would be contrary to Strategic Aim 2 of the Local Plan.

7. Financial and Legal Implications

None.

8. Application Assessment

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the East Ayrshire Local Plan (2010).

As noted in section 5, the application is contrary to policies STRAT1 of the Structure Plan and Policies SD1, SD3, SD5, and RES 30 of the East Ayrshire Local Plan. There are also material considerations of objections that would lend weight to warrant the refusal of the application. There are matters raised through consultations however, and the applicants supporting statement, in terms of the economic benefit the proposal would bring to the local economy as a whole, if not in particular to the village itself. Whilst the job creation would be

considered beneficial, this has to be balanced with the provisions of the development plan, and that the site itself has been independently examined recently during the local plan process and found not to be suitable for inclusion into the settlement boundary. It is considered that on balance, the proposed development could have a detrimental impact on adjacent properties and on the village as a whole and it is considered that this site, and although there would be economic benefit to establishing a new nursing home *per se*, it is considered this is not the most suitable site for such a proposal, and that other sites would be better placed to locate a nursing home in, in terms of proximity to local services and the public transport network.

9. Recommendation

Refused

10. Reasons for the Decision

The proposal does not comply with the policies of the East Ayrshire Local Plan and there are no material considerations of sufficient weight which would warrant approval of the application in this instance.

Case Officer : Marion Fergusson

Signature:

Date:

7/8/11

Principal Planner:

0/8/11

Signature:

Date:

**Development Management
Manager :**

TP24

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 11/0232/PPP

Signature:

Date: