

REPORT TO: Planning Committee

MEETING DATE: 7 June 2016

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor McMillan for the following reasons: This proposal covers an important development in the town in terms of social and economic need. I believe there are a number of issues which need to be discussed in Committee before this application is determined.

Application No. **15/00599/P**

Proposal: Erection of a nursing home, 30 extra care flats and associated works

Location: **Land West of Gateside Road
Haddington
East Lothian**

Applicant: Nigel Jowett and Carolyn Jowett (Haddington)

Per: Scott Hobbs Planning Limited

RECOMMENDATION: Application Refused

PLANNING ASSESSMENT

In November 2014 planning permission in principle 13/00800/PPM was granted for a residential and business development on 3.5 hectares of land at the western side of Haddington. The land consisted of a field (known as the Gateside East field) that is located to the east of the former Gateside Commerce Park and to the west of Gateside Road. The field is enclosed on its northern, eastern and southern boundaries by a mix of hedgerows and trees.

The illustrative site plan docketed to planning permission in principle 13/00800/PPM indicates how the approved residential and business uses might be accommodated within the site. The business land, which would have an area of 0.96 of a hectare, is shown to be located on the southern part of the site. Although there were no definitive proposals relating to the layout or type of business units, the site plan shows how five units could be accommodated on the site. It is further indicated that these units could be single storey or two storeys in height and could be contained within a landscape setting. It is also indicated that a landscaped buffer would be planted between the business and residential uses.

The approved illustrative site plan indicates that access to the business land could be taken from Gateside Road at a point some 90 metres to the north of the junction of Gateside Road and the B6471 road and that access to the residential part of the site could be taken from Gateside Road at a point approximately 110 metres to the north of the proposed access to the business land.

In April 2015 approval of matters specified in conditions of planning permission in principle 13/00800/PPM (Ref: 14/00940/AMC) was granted for the erection of 20 houses on part of the northern end of the land approved for residential use by planning permission in principle 13/00800/PPM. Also in April 2015 approval of matters specified in conditions of planning permission in principle 13/00800/PPM (Ref: 14/00941/AMC) was granted for the erection of 40 houses on another part of the land approved for residential use by planning permission in principle 13/00800/PPM. The site for application 14/00941/AMC also includes a small part of the land approved for business/light industrial units (Class 4 use) by planning permission in principle 13/00800/PPM.

Residential development of the site commenced some time ago.

In November 2014 planning permission (Ref: 14/00904/P) was sought for the erection of 19 houses on the remainder of the land approved for residential use by planning permission in principle 13/00800/PPM. That application is minded to be approved subject to a Section 75 legal agreement.

In March 2015 planning permission (Ref: 15/00204/AMM) was sought for the erection of business units and associated development on the land approved for business use by planning permission in principle 13/00800/PPM. That application was not registered as a valid application due to insufficient or inaccurate information being submitted with it. It was later withdrawn.

It is the land approved for business use that forms the site that is the subject of this planning application.

The application site is bounded to the east by Gateside Road and to the north by the northern part of the site that is being developed for housing, beyond which is a length of the Haddington to Longniddry railway walk.

To the west the application site is bounded by a narrow road, beyond which is the land of the former Gateside Commerce Park. In January 2015 planning permission (Ref: 14/00219/PM) was granted for the erection on the former Commerce Park site of 112 houses, 14 business/ light industrial units (Class 4 use) and a pub/ restaurant. The commerce buildings have been demolished. Development of the 112 houses, business/light industrial units (Class 4 use) and a pub/ restaurant has commenced. In January 2016 the Council resolved to grant planning permission (Ref: 15/00686/PM) for the erection of 97 houses on the part of the site that was approved for residential use by the grant of planning permission 14/00219/PM. The resolution to grant planning permission was subject to the prior conclusion of a legal agreement to secure: (i) affordable housing units, (ii) a financial contribution to upgrade the access junction with West Road and for a financial education contribution towards additional accommodation at Haddington Infant School and Knox Academy, (iii) the servicing of the land for business/light industrial units and the transfer of the land on which they are to be built to the Council. That legal agreement has not been concluded so planning permission 15/00686/PM has not yet been granted.

To the south the application site is bounded by the B6471 West Road, beyond which is

agricultural land which forms part of a larger area of land allocated by Proposal H3 (Letham Mains) of the adopted East Lothian Local Plan 2008 for a mixed use development of 750 houses, social and community facilities and associated infrastructure.

In July 2013 planning permission (Ref: 13/00519/PM) was sought for the erection of 385 houses and 48 flats on the western part of that allocated housing site. In January 2014 planning permission (Ref: 14/00089/PM) was sought for the erection of 257 houses and 119 flats on the eastern part of that allocated housing site. In July 2014 planning permission (Ref: 14/00534/PCL) was sought for the erection of a primary school on the central part of that allocated housing site. At their meeting of 2 June 2015 the Planning Committee resolved to grant planning permission for the development proposed in applications 13/00519/PM and 14/0089/PM subject to the prior conclusion of a legal agreement. That legal agreement has not been concluded so planning permissions 13/00519/PM and 14/00089/PM have not yet been granted. At that same meeting the Planning Committee granted planning permission 14/00534/PCL for the new primary school.

A residential property known as Gateside Cottage is also located to the southwest of the application site.

Planning permission is now sought for the erection of a nursing home with 30 extra care flats on the application site. The proposed nursing home would contain 60 bedrooms.

The nursing home and extra care flats would be contained in one building, which would have a roughly J-shaped footprint. The building would be set below the ground level of the housing site to the north. It would be principally located within the northern part of the site, although its southeast wing would extend into the southern half of the site. It would be within the southeast wing that the 30 extra care flats would be contained. Communal facilities in the form of a cinema room, reception and waiting area, and 'day space' room would be located in the ground floor of the northeast corner of the building and a quiet room and multi-activity room would be located in the first floor of the northeast corner of the building, between the extra care flats and the bedrooms of the nursing home. The building would be predominantly two storeys in height, although its southeast wing would be two storeys in height with accommodation in the roofspace. The building proposed would be of a contemporary design. The roofs of the building would be shallow pitched and finished with dark grey and red coloured concrete roof tiles. The walls of the building would mainly be finished in white render with smaller sections of wall being finished in grey brown coloured weatherboard. The building would feature a reconstituted stone basecourse. The doors and windows of the building would be of timber construction.

Vehicular access to the nursing home and extra care flats would be taken from Gateside Road, at a point some 80 metres to the north of the junction of Gateside Road and the B6471 road. A total of 44 car parking spaces would be provided within the northeast part of the application site. A communal garden area and a SUDS pond would be located to the south of the proposed building. A service yard, private garden ground and a secure cycle store would be located to the north of the proposed building.

The application is supported by a planning and consultation statement, a tree survey, and a design and access statement.

Amended plans have been submitted showing revisions to the design of the proposed building and the provision of additional parking spaces. Further supporting information, including photomontages and perspective drawings have also been submitted.

Under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On the 05 May 2016 the Council gave a formal screening opinion. The screening opinion concludes that the proposed development is unlikely to have significant effects on the environment to the extent that expert and detailed study through EIA would be necessary to properly assess any effect. Therefore, there is no requirement for the proposed development to be the subject of an EIA.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Proposal BUS6 (Gateside, Haddington) and Policies BUS1 (Business and General Industrial Locations), C12 (Residential Care and Nursing Homes- Location), DP1 (Landscape and Streetscape Character), DP2 (Design), DP14 (Trees on or adjacent to Development Sites), DP17 (Art Works- Percent for Art), T2 (General Transport Impact), DP20 (Pedestrians and Cyclists), and DP22 (Private Parking) of the adopted East Lothian Local Plan 2008.

One public objection to the application has been received. It is made by the Haddington and District Amenity Society (HADAS). Whilst they support the principle of the proposed development, HADAS object to the layout and design of the proposed development. In their view the proposed design falls short of its potential to respond to its significant landscape setting and to maximise integration with the adjacent development sites. Amongst their concerns, HADAS consider that the building footprint would be improved if broken up into smaller blocks. The development has a significant footprint and potential visual impact resulting from the single massing of the building and the 3 storey height if kept in its current form.

The application site forms part of a larger site that is allocated for business use by Proposal BUS6 of the adopted East Lothian Local Plan 2008. Were Proposal BUS6 to be implemented then Policy BUS1 would come into effect. Policy BUS1 supports in principle uses within Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

Nursing home and extra care flats fall within Class 8 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Proposal BUS6 and Policy BUS1 do not give any support to Class 8 use within any part of the application site. The nursing home and extra care flats would be sited on and thus would result in the loss of the land of the application site that is allocated by the Planning Authority for business and industrial use to meet part of an identified need for business land in East Lothian to enable and sustain the economy of East Lothian and the Lothians.

The proposed development is therefore contrary to Proposal BUS6 and Policy BUS1 of the adopted East Lothian Local Plan 2008.

Notwithstanding this, it is necessary to consider whether there are material considerations in this case that outweigh this element of development plan policy.

The adopted Local Plan states that the number of very elderly people in East Lothian is rising. Together with NHS Lothian, the Council is examining ways in which the supply of care places can be increased. The proposed development would help to address this need through the provision of both a nursing home and extra care flats.

Another material consideration relates to the jobs that would be created by the proposed development.

The Council's Economic Development Manager advise that the East Lothian Economic Development Strategy 2012-22 has two strategic goals of increasing the number of businesses in East Lothian with growth potential and increasing the proportion of East Lothian residents working in and contributing to East Lothian's economy. The Strategy has a target to create 7,500 new jobs within 10 years, of which some 1,019 are required in Haddington. Whilst the exact number of jobs that could be created by the proposed development will depend on a number of factors, including the needs of residents and the layout of the building, the Economic Development Manager estimates that it could create some 80 full time equivalent job opportunities. Moreover, by the nature of their provision, nursing home and extra care developments require skilled staff. Moreover, the Economic Development Manager advises that the proposal would have positive impact on the economy of Haddington through the creation of local employment, increased local spending, and through the use of local business services and suppliers. For these reasons the Economic Development Manager raises no objection to the proposed development.

The contribution that the proposed development would make towards increasing the supply of care places for elderly people together with the economic benefits that would result are significant material considerations. In the circumstances of this case, they outweigh the policy presumption against the Class 8 use proposed in this application.

The application site is within Haddington. In its location, the proposed nursing home and extra care flats would have reasonable access to the normal range of community services. On these considerations the proposed development is consistent with Policy C12 of the adopted East Lothian Local Plan 2008.

The Council's Director of Health and Social Care was consulted on this planning application but did not respond.

To safeguard the future privacy and amenity of the residents of the houses proposed to the north of the application site, a 5.0 metres wide landscaped buffer was proposed along the northern edge of the application site. The current proposal includes for a landscaped buffer along the northern edge of the site, varying in width between 4 to 9 metres. Whilst the proposed building would be erected in reasonably close proximity to those houses, the implementation of the proposed landscaped buffer along the northern edge of the site would ensure that the future occupants of these houses would be afforded an appropriate level of privacy and residential amenity. The proposed development would provide an attractive residential environment for future residents of the nursing home and extra care flats.

On the matters of privacy and amenity the proposed development is consistent with Policy DP2 of the adopted East Lothian Local Plan 2008.

The Council's Environmental Health Service raise no objections to the proposed

development.

The Council's Environmental and Consumer Services raise no objection to the proposed development, although they make comment in respect of the proposed kitchen. A copy of their response has been sent to the applicant for their information.

The proposal includes the retention of most of the existing tree belt along the southern and eastern boundaries of the application site. The planting proposals have been amended to overcome concerns raised by the Council's Landscape Project officer. She raises no landscape objections to the amended proposals, although she recommends that a detailed scheme of landscaping should be submitted in respect of the application site. Existing trees on the site should also be retained. The retention of existing trees and the submission of the detailed scheme of landscaping and thereafter its implementation can be secured by the imposition of conditions, were planning permission to be granted for the proposed development.

On the matter of tree retention the proposed development is consistent with Policy DP14 of the adopted East Lothian Local Plan 2008.

Surface water from the proposed development would be treated by two levels of sustainable urban drainage system (SUDS) in the form of permeable paving and a detention basin. The Scottish Environment Protection Agency are satisfied with this and raise no objection to the proposed development.

Scottish Water were consulted on the planning application but have not commented on it.

The submitted details for accessing the proposed nursing home and extra care flats are in accordance with the details for accessing the site approved by planning permission in principle 13/00800/PPM. These are that vehicular access to the housing development should be taken from Gateside Road.

The Council's Road Services raise no objection to the submitted details, being generally satisfied with the proposed means of access and the number and location of parking spaces proposed. He makes a number of recommendations in respect of both the construction and the operational phases of the proposed development. This includes ensuring that the minimum age of residents should be 55. All of these requirements can be secured by the imposition of conditions, were planning permission to be granted for the proposed development.

On these foregoing transportation and other access considerations the proposed residential development is consistent with Policies T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

As a Class 8 use, the proposed extra care flats are exempt from the Council's Affordable Housing Policy.

The proposed development by its scale and prominent public location would result in significant change to the local environment and thus in accordance with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008 it should incorporate artwork either as an integral part of the overall design or as a related commission. This can be secured by the imposition of a condition, were planning permission to be granted for the proposed development.

Notwithstanding these considerations, the principal material consideration is whether or

not the proposed nursing home and extra care flats would be appropriate form of development within this site and if not, whether other material considerations justify approving this application contrary to the development plan.

The application site occupies a gateway location immediately adjacent to the main approach into Haddington from the west. It occupies a prominent corner location at the junction of Gateside Road and the B6471 road (West Road).

The northwest end of Haddington is currently undergoing significant change, with the land to the north and west of the site being developed for housing. In time, it is also likely that the land of Letham Mains, to the south of the site, will also be developed for housing. In taking the decision to grant planning permission for these housing developments, the Council as Planning Authority have been careful to minimise the impact of these developments when viewed from West Road. The housing approved to the north and west of the site is all two storeys in height. Additionally, roadside planting is proposed to reduce the impact of the proposed housing to the west. The business unit indicatively approved for the application site by planning permission in principle 13/00800/PPM were indicated as being either single storey or two storeys in height.

The proposed development consists of one building, which would be two storeys in height, other than its southeast wing, which would contain three floors of accommodation. In response to concerns raised about its size and visual impact, the design of the building has been amended such that the third floor of accommodation within the southeast wing would be partly contained in the roofspace of the building. The applicant is also proposing some additional planting to supplement the tree belts along the south and west boundaries of the site. Notwithstanding this, given the scale of the building and the size and position of its southeast wing, which would sit well above the existing tree line to the south and east, the proposed building would appear as a prominent and intrusive feature within its gateway location. As a prominent and intrusive feature, the proposed building would be harmful to the character and appearance of the area, contrary to Policies DP1 and DP2 of the adopted East Lothian Local Plan 2008.

Other material considerations, including the provision of care spaces for the elderly and the jobs that would be created through the development of the care home, do not outweigh the adverse visual impact of the proposed development. As such, planning permission should be refused.

REASON FOR REFUSAL:

- 1 The proposed nursing home and extra care flat building, by virtue of its size, scale and positioning would appear as a prominent and intrusive feature within its gateway location. As such, it would be harmful to the character and appearance of the area, contrary to Policies DP1 and DP2 of the adopted East Lothian Local Plan 2008.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)