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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>3<sup>rd</sup> February 2010</b>
<b>Report By:</b>	<b>Head of Planning and Housing</b>	<b>Report No:</b>	<b>09/0398/IC Plan 02/10</b>
			<b>Local Application Development</b>
<b>Contact Officer:</b>	<b>David Ashman</b>	<b>Contact No:</b>	<b>01475 712416</b>
<b>Subject:</b>	<b>Construction of care home and associated facilities at Kempock House, Kirn Drive, Gourrock</b>		

## **SITE DESCRIPTION**

The site of the former Kempock House, located on Kirn Drive, Gourrock extends to just over 1.5 hectares and is rectangular in shape. It is surrounded on all four sides by housing.

The site is largely level although it does noticeably step down towards its north east corner. The former Kempock House was located in the south east corner. The grassed area associated with it, forming the eastern part of the site, consisted of maintained grounds. The western part of the site, beyond a line of mature trees, consists of wild growing grass and bushes. This area of the site is not well drained and is marshy in parts. The Ash Burn runs through the southern part of the site.

## **PROPOSAL**

The applicants seek planning permission in principle for the construction of a care home and associated facilities. A schematic diagram and associated design statement has been submitted, setting out how the site may be developed. It indicates three separate single storey residential care units plus a centralised three storey central hub. The care units are intended to be developed as a 24 bed Council facility, a 33 bed facility providing NHS continuing care for both palliative and (dementia influenced) challenging behaviour patients, and a 20 bed facility providing continuous adult and residential dementia care by both the Council and the NHS. Also indicated is a three storey building intended to contain communal staff and back office facilities and a café for both patients and visitors.

The schematic diagram shows circular buildings designed to address the latest thinking in dementia care design. The buildings, all surrounded by landscaped open space, contain enclosed courtyard areas for patient use. Parking and turning facilities are also provided within the site.

The site has been selected to replace the Ravenscraig Hospital dementia facility which is due to close towards the end of 2011.

## **LOCAL PLAN POLICIES**

Local Plan Policy DS1 - Preference for Development on Brownfield Sites

A sustainable settlement strategy will be encouraged by having a clear preference for all new development to be located on brownfield land within the urban areas of existing towns and smaller settlements.

#### Local Plan Policy H1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded and, where practicable, enhanced. New residential development will be acceptable, in principle, subject to other relevant Local Plan policies.

#### Local Plan Policy H9 - Non-Residential Development Proposals within Residential Areas

The introduction of new, or the extension of, non-residential uses in existing residential areas will be acceptable only where such uses are compatible with the character and amenity of the area and satisfy other relevant policies of the Local Plan.

#### Local Plan Policy UT3 - Sustainable Urban Drainage Systems

Inverclyde Council, as Planning Authority, will encourage the inclusion of Sustainable Urban Drainage Systems in appropriate developments and, where included, will require agreement to be reached in respect of the continual maintenance of the proposed system prior to planning permission being granted.

### CONSULTATIONS

**Scottish Environment Protection Agency West** - No objection.

**Head of Safer Communities** - No objection subject to conditions in respect of Japanese Knotweed, treatment of contamination, cooking odours, details of containers for waste storage, lighting, hours of construction working and timing of deliveries.

**Head of Environmental Services** - Parking should be provided at the ratio of 1 space per 4 residents. A visibility splay at the junction with Kirn Drive is to be provided at 35 metres by 2.5 metres by 1.05 metres high. A drainage impact assessment will subsequently be required, together with confirmation that Scottish Water will accept connections and full details of drainage plans and any SUDS arrangements.

### PUBLICITY

The nature of the proposal did not require advertisement.

### SITE NOTICES

The nature of the proposal did not require a site notice.

### PUBLIC PARTICIPATION

The application was the subject of neighbour notification. Twelve letters of representation have been received. The comments made may be summarised as follows:

1. Clarification is required on grounds and boundary maintenance as this has been very poor in the past.
2. Concerns over the safety hazard posed by the Ash Burn.
3. Concerns over security and associated requests for the provision of a secure boundary fence or wall and security devices within the site.
4. Concerns over impact on existing privacy.

5. Concerns over light pollution.
6. Concerns over noise pollution (from mechanical equipment and residents).
7. Reservations expressed over the consultation process with neighbours during the holiday period.
8. Queries over retention of existing features, specifically an entrance gate, gas apparatus housing and an existing mature tree belt.
9. Devaluation of property.
10. Pollution from increased numbers of vehicles entering the site.
11. Insufficient car parking spaces have been provided.
12. Impact on wildlife.
13. Concerns about lack of information regarding finishes on the buildings, visual appearance etc.
14. Concern over the type of people who will be treated/be resident within the facility.
15. Potential loss of view.

## **ASSESSMENT**

The material considerations in determination of this application are the Development Plan, the consultation responses, the letters of representation and the site history. The central issue to be considered is whether or not the principle of a care facility at this location is acceptable.

The most recent use of the site was for a care home. It operated for several years and was in place when the Local Plan was adopted. In recognition that care facilities are an extension of residential living, the site was included within the area covered by Policy H1. The proposed facility is similar albeit larger in scale. As such the proposal accords with Local Plan Policies H1 and H9. Re-development of a brownfield site ensures compliance with Policy DS1. With respect to Policy UT3, permission may be granted conditionally requiring drainage to be in accordance with sustainable principles. I therefore conclude that, in principle, the proposed use accords with the Local Plan.

With respect to the consultation responses, the issues raised may be addressed through the attachment of conditions on a planning permission. There are no matters raised which suggest that permission should be refused.

Turning to representations, most cannot be properly addressed until a later application for approval of matters reserved by condition is submitted for assessment. This applies specifically to concerns over noise and light pollution, appearance of the buildings and impact on privacy (related to the positioning of windows, effective boundary screening treatment, security considerations). I am, however, satisfied that a design and layout can preserve appropriate residential amenity. With respect to the other matters raised, site maintenance can be addressed by a condition requiring details of a management and maintenance scheme. Ash Burn, as noted, is a shallow ditch and management of the site will require to assess health and safety aspects. Neighbour notification was carried out within a week of receipt of the application (the application was received on 10<sup>th</sup> December 2009) and an extended period for comment provided.

I recognise the attraction of some established site features, and I consider it appropriate that existing mature or semi-mature soft landscaping on the boundaries of the site should be retained. While I note concerns relating to the belt of trees within the site, these trees are mature, are not significant specimens and are of no special ecological merit. Furthermore, as they subdivide the site it would be difficult to retain these and develop the site for the intended purpose without possible compromising the safety of a new build facility. On balance, I do not intend to seek their retention.

The effect of the proposed development on the valuation of properties and concerns over the nature of residents and patients are not material planning considerations. Additionally, there is no right to a view over private property and concerns over outlook have to be discounted.

The only traffic likely to be generated will be from nursing staff, visiting relatives and deliveries. There will, of course, also be traffic during the construction period. I do not regard this level of traffic as likely to constitute an unacceptable pollution hazard. Parking provision will require to be in

accord with the Roads Development Guide and this matter can be addressed by condition. No weight should be attached to the illustrative parking shown on the plans.

Concerns in respect of wildlife are noted. The site is not accorded any designated protected status and although observations to date have not revealed the presence of any protected species on the site. The most likely species would be bats, and it would be prudent to condition any permission to highlight that site clearance should be suspended in the event that bats are discovered in the trees.

On balance, I conclude that there is no objection in principle to the development of a care facility at this site.

## **RECOMMENDATION**

That the application be granted subject to the following conditions:

### Conditions

1. This permission is granted under the provisions of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 on an application for planning permission in principle and further approval of the Council or of the Scottish Ministers on appeal shall be required with respect to the under mentioned matters hereby reserved before any development is commenced:
  - a. the siting, design and external appearance of any building(s) to which the planning permission or the application relates;
  - b. details of the access arrangements;
  - c. details of landscaping of the site.
2. That details of the maintenance and management programme for all areas of soft and hard landscaping within the development shall be submitted to and approved, in writing, by the Planning Authority prior to the start of development. The programme shall commence upon the start of development and shall be adhered to thereafter.
3. That details of all boundary treatments shall accompany a subsequent detailed application for development of the site. Where practicable, existing boundary soft landscaping treatment shall be retained outwith any hard landscaped treatment and this shall be shown on the submitted plans.
4. That prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved, in writing, by the Planning Authority and that, for the avoidance of doubt, this shall contain a methodology and treatment statement where any is found. Development shall not proceed until treatment is completed as per the methodology and treatment statement. Any variation to the treatment methodologies will require subsequent approval by the Planning Authority prior to development starting on site.
5. That the development shall not commence until a risk assessment, including any necessary remediation strategy with timescale for implementation, of all pollutant linkages has been submitted to and approved, in writing, by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with acceptable codes of practice. The remediation strategy shall include verification/validation methodologies. This may be incorporated as part of a ground condition report and should include an appraisal of options.
6. That on completion of remediation and verification/validation works and prior to the site being occupied, the developer shall submit a Completion Report for approval, in writing, by the Planning Authority, confirming that the works have been carried out in accordance with

the remediation strategy. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but is not limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of imported/disposed/reused materials relevant to the site.

7. The presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential amendments to the Remediation Strategy shall not be implemented unless it has been submitted to and approved, in writing, by the Planning Authority.
8. That no material shall be imported onto the site until written details of the source of the imported material has been submitted for approval, in writing by the Planning Authority. The details, which shall be submitted no later than four weeks prior to the material being imported onto the site, shall include, the source of the imported material, any potential source(s) of contamination within 50 metres of the source of the material to be imported and verification analysis information. The material must not be imported on to the site until written approval has first been received from the Planning Authority. The material from the source agreed only shall be imported in strict accordance with these agreed details.
9. That all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). Before development commences, details shall be submitted to and approved, in writing, by the Planning Authority of the maintenance regime for the water detention areas.
10. That upon the commencement of the use of the site as a care home facility, deliveries or collections to and from the site shall not be carried out between the hours of 23:00 and 07:00.
11. That car parking spaces at the ratio of 1 space per 4 residents shall be provided prior to occupation of any buildings within the site.
12. That a visibility splay of 35 metres by 2.5 metres by 1.05 metres high shall be provided at the connection to Kirn Drive prior to the start of any development within the site.
13. That in the event that bats are identified during site clearance, works shall stop and Scottish Natural Heritage consulted for advice on how to proceed.
14. That, for the avoidance of doubt, permission is not given for the schematic layout submitted as part of this application.
15. That no construction shall start until a drainage impact assessment has been submitted to and approved, in writing, by the Planning Authority.
16. That no building shall be erected closer than 9 metres from the common boundary with adjacent houses. In the event that an adjacent house is less than 9 metres from the common boundary and has windows facing the common boundary, no windows shall be installed in the walls of any building hereby permitted fronting onto that property with the exception of those finished in opaque glazing.

#### Reasons

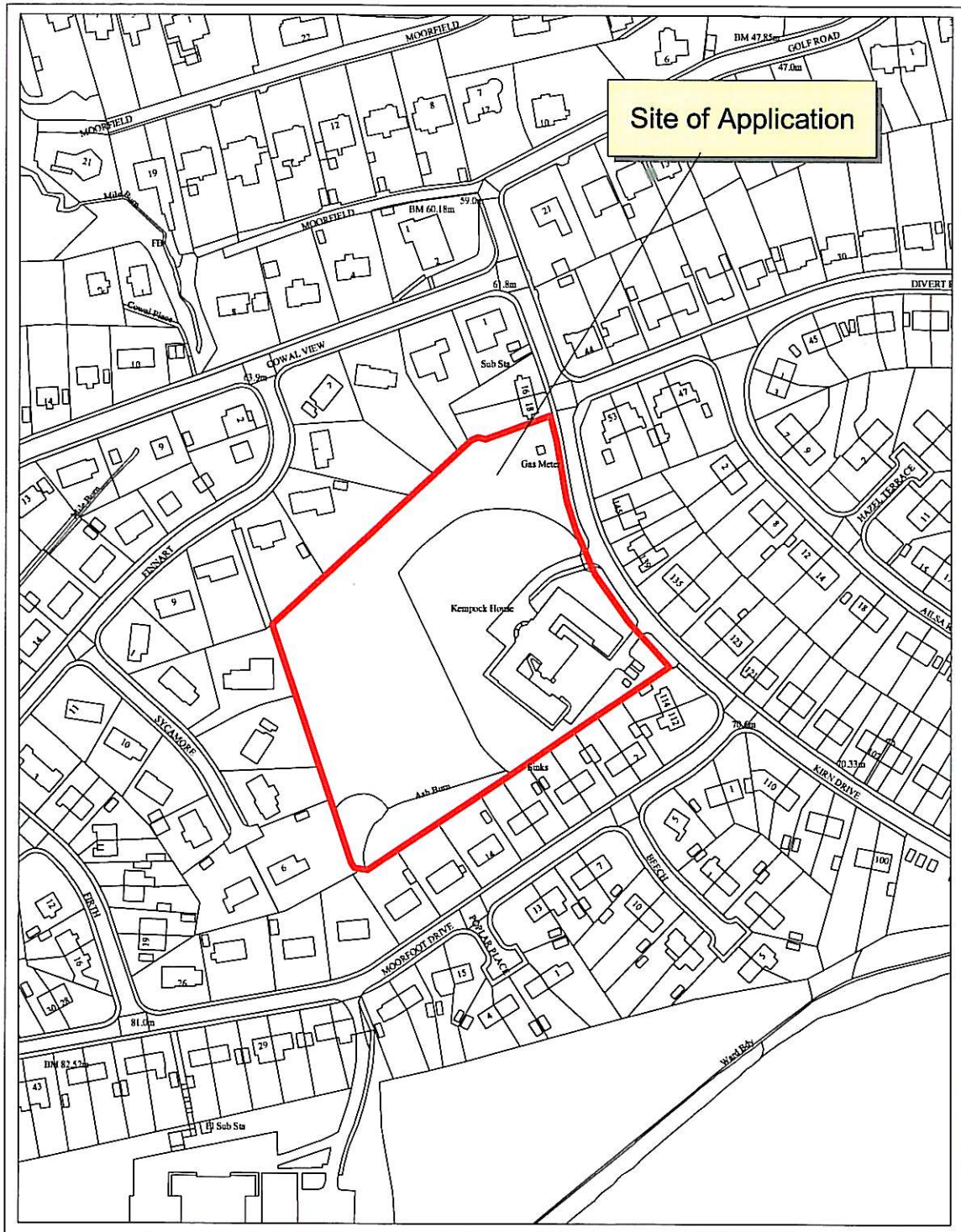
1. To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
2. To ensure that the visual amenity of the development is retained.

3. In the interests of visual amenity, to protect the privacy of neighbouring properties, and to help ensure the security of both the development site and the neighbouring properties.
4. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
5. To satisfactorily address potential contamination issues in the interests of environmental safety.
6. To provide verification that remediation has been carried out to the Authority's satisfaction.
7. To ensure that all contamination issues are recorded and dealt with appropriately.
8. To protect receptors from the harmful effects of imported contamination.
9. To control runoff from the site to reduce the risk of flooding.
10. To protect the occupiers of the site and adjacent properties from unreasonable noise and vibration during these hours.
11. To ensure that car parking is contained within the site in the interests of road safety.
12. In the interests of vehicular safety.
13. To ensure works are not in breach of the Conservation (Natural Habitats etc.) Regulations 1994.
14. Insufficient information has been provided to enable a full assessment of this layout.
15. To ensure that adequate drainage from the site can be achieved.
16. To protect the privacy of adjacent residents.

F. K WILLIAMSON  
Head of Planning and Housing

#### BACKGROUND PAPERS

1. Application form and plans.
2. Applicant's Design Statement
3. Inverclyde Local Plan
4. Consultation responses
5. Letters of representation



Drawing No. 09/0398/IC  
 Kempock House, Gourrock  
 Drawn by: JML  
 Date: 15:01:10



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