

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 10 DECEMBER 2004

**04/1043/FL: PROPOSED CHANGE OF USE OF VACANT YARD TO FORM
EXTENSION TO NURSING HOME
AT ARGYLL HOUSE NURSING HOME, 69 NORTH HAMILTON STREET,
KILMARNOCK
BY MR & MRS DE REZZE**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a two storey extension to the existing nursing home within the existing vacant yard. The existing nursing home has 11 bedrooms with a total of 21 residents. The proposed extension has 14 additional bedrooms with en-suite facilities, additional dining room, residents lounge, assisted shower and bathing facilities. A total of 25 bedrooms will be provided. The proposed extension will enable single occupant bedrooms with ensuite facilities in line with the requirements, from 2007, as published by The Scottish Executive publication: "National Care Standards". The design of the proposed extension replicates the design materials and features of the existing villa with use of sash and case windows, natural slate roof, render and stone detailing. The rear elevation is more modern in design with the use of angled windows.

2. RECOMMENDATION

2.1 It is recommended that the application be approved, subject to the conditions on the attached sheet.

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report the application is considered to accord with the policies of the Adopted Local Plan. Therefore given the terms of Sections 25 and 37 of the Town and Country Plan (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As indicated at Section 6 of the report there are material considerations relevant to this application. The proposal accords with policies ENV 4 and ENV 7 of the Adopted EALP as the proposed extension is considered to be of an appropriate size, scale and design that is compatible with the Conservation Area and surrounding properties. The proposed extension has been designed to minimise overlooking to the adjoining properties whilst echoing the character and architectural quality of the existing villas along North Hamilton Street. It is considered that the concerns of the objectors are not of sufficient weight to warrant refusal of the development.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning Development and Building Standards it will not require to be referred to the Development Services Committee as there would be no significant breach of policy.

Alan Neish
Head of Planning, Development and Building Standards

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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Report by Head of Planning, Development & Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site extends to approximately 0.17 hectares and comprises the existing Victorian sandstone property which forms Argyll House Nursing Home and the adjacent yard and stable block which is accessed from North Hamilton Street. The main parking provision and service entrance for the existing nursing home is via the access lane leading from Fullarton Street. The existing Argyll House consists of a two storey Victorian sandstone Villa with a three storey castellated sandstone Edwardian extension to the rear. The application site is bound by a traditional brick wall to all boundaries, 1 metre in height to the eastern boundary of Argyll House, 2.7 metres in height to the eastern boundary of the vacant yard and 2.0 metres in height to the western boundary of the vacant yard. The yard and stable block are presently vacant and are located within the Dundonald Road Conservation Area.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a two storey extension to the existing nursing home within the existing vacant yard. The existing nursing home has 11 bedrooms with a total of 21 residents. The proposed extension has 14 additional bedrooms with en-suite facilities, additional dining room, residents lounge, assisted shower and bathing facilities. A total of 25 bedrooms will be provided. The proposed extension will enable single occupant bedrooms with ensuite facilities in line with the

requirements, from 2007, as published by The Scottish Executive publication: "National Care Standards". The design of the proposed extension replicates the design materials and features of the existing villa with use of sash and case windows, natural slate roof, render and stone detailing. The rear elevation is more modern in design with the use of angled windows.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objections to the application and require the provision of 6 car parking spaces to the front of the facility.

The requirement of the Roads Division can be addressed by means of an appropriately worded condition attached to any grant of planning consent.

3.2 Transco, East Ayrshire Council's Environmental Health Licensing and Community Safety Division, Scottish Water and The Architectural Heritage Society of Scotland have no objections to the application.

Noted.

3.3 The Bonnyton Community Council objects to the application on the following grounds:

- Loss of amenity to neighbouring property
- The vast bulk of the extension would be built in a Conservation Area
- The size of the extension is not subordinate to the original building

The proposed extension has been designed to minimise its impact on the neighbouring property. The first floor rear windows have been angled to reduce overlooking to the adjacent properties. The design and size of the extension is considered appropriate to the Conservation Area and will integrate well into the street setting.

3.4 The East Ayrshire Council Outdoor Services Division have not responded to their consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 There are 3 objectors to the proposed development, including one from Bonnyton Community Council, which is detailed in 3.3 of the report. There is one letter of support. A summary of the grounds of objection and of the letter of support is presented below.

4.2 The proposed extension is inappropriate to the area by way of its size and scale as it is not subordinate to the original building, is out-of-keeping with the Victorian dwellings in the immediate vicinity and would have an overbearing impact on their properties, leading to a loss of amenity to the neighbouring properties.

It is considered that the proposed extension is in keeping with the scale of the existing Argyll House and the surrounding residential properties. The existing extension measures approximately 23.6 metres in length, compared with the existing Argyll House measuring 13 metres in length. However, it is considered that the size and scale of the proposals are in-keeping with the character of the adjoining buildings. The proposed development occupies a gap site and adds continuity to the streetscape. In terms of the height of the extension the proposals are approximately 800mm lower than Argyll House, reflecting the stepped roof arrangements of the terraced properties on North Hamilton Street. It is considered that the proposals are sympathetic to the existing streetscape, reflecting the traditional vertical emphasis of the window arrangements, natural stone quoins to the corners and bay features to the principal elevation and timber detailing to the gable features on the principle elevation.

4.3 The plan provides for demolition of a stable block which should be preserved and renovated, not demolished.

The stable block is presently derelict and it is the subject of a separate Conservation Area Consent. This application has yet to be determined by the Local Planning Committee.

4.4 The proposal incorporates approximately 18 windows to the upper rear elevation allowing direct overlooking to their rear garden, worsening an existing situation, as the proposals contain no plans for either diffused glazing to these windows or suitable tree planting along their boundary.

There are four bedrooms with west facing windows that are proposed to be of an angled configuration with high level windows to prevent any overlooking to the private rear garden ground of the adjacent dwellings on Portland Road. The rear ground floor windows will be screened by the existing boundary wall. The two ensuite windows and corridor windows are to be finished in opaque glazing. An appropriately worded condition can be attached to any grant of planning consent to request the submission of samples of the opaque glazing prior to the commencement of development on site.

4.5 The proposal is for a modern building using modern materials and any new development should be in keeping with the traditional materials of the surrounding Victorian buildings. The planning application form states that imitation slates will be used while the plans indicate natural slate is to be used. The surrounding dwellings have original Victorian slate roofs and any new development should be in keeping with this.

The proposed extension is to be finished in a painted /pigmented render with natural stone quoins, window surrounds and basecourse features with reconstituted stone eaves and skews. Such materials are considered acceptable in this location. The applicant has indicated that the roof of the proposed extension will be covered in natural slates. It is considered that the proposed extension is designed sympathetically to match the design and proportions of the existing Argyll House and surrounding traditional properties.

4.6 The plan appears to incorporate bay style windows which are obviously even more visually intrusive than normal flush windows and the number of panes seems excessive. The surrounding properties do not have bay windows and the proposals should be in keeping with the character of the surrounding buildings.

A total of 8 ground and first floor west facing windows are proposed which will be of an angled configuration with high level windows, This will prevent any overlooking to the private rear garden ground of the adjacent dwellings on Portland Road with the larger windows angled towards the garden grounds of Argyll House. This contemporary design solution is considered appropriate to the rear of the extension.

4.7 A development of this scale and size would constitute over-development and is totally inappropriate for currently a residential area. To allow such a development is inappropriate to the area which consists of Victorian family

homes close to the town centre but outwith the commercial area and will change the whole aspect of the area from residential to commercial.

North Hamilton Street is predominantly residential in character although there are a number of non-residential uses in the immediate vicinity such as Woodstock School, Flowerbank Nursery School, Woodstock Stores Convenience Store and the existing Argyll House Nursing Home. It is considered that in land-use terms the proposals are acceptable in this location.

4.8 The proposals are overbearing and visually intrusive as the view from their rear garden and property would be completely changed with an imposing gable of the proposed extension a mere 5 metres from their boundary affecting sunlight to their garden.

A right to a view is not a material planning consideration. It is considered that the proposals are in keeping with the existing streetscape of terraced properties within the immediate vicinity on North Hamilton Street in terms of the design and scale of the extension. It is not considered that the proposals will significantly affect the amount of sunlight reaching the objector's rear garden ground as the garden is north facing and the extension would not block out any sun light reaching the garden at any point. The extension is proposed to be sited approximately 5 metres from the objectors boundary with no window openings. It is not considered that it will have a detrimental impact on their amenity given there is a distance of approximately 20 metres from the gable of the proposed extension to the rear elevation of the objector's dwelling.

4.9 The existing extension to Argyll House is imposing enough and totally out of keeping with the style of the other properties in the area and its south facing windows already overlook the rear of their property and garden.

The rear extension is existing and that applicant does not intend to alter it.

4.10 A further planning request may be made at a later date to install windows above ground floor level on the gable elevation

This would require a separate planning application and the merits of the proposal would be considered at that time.

4.11 They note from the plans that apart from 2 disabled parking spaces allocated to the front of the existing Argyll House no additional parking has been provided. Such a development will create an increase in vehicular traffic and put a strain on an already congested area.

Five existing parking spaces are provided to the rear of the Argyll House while four spaces (including two disabled parking spaces) are proposed to the front of the existing Argyll House and extension. The East Ayrshire Council Roads Division have indicated that a total of eleven spaces is required, giving a total of six spaces to be provided to the frontage of the application site. An appropriately worded condition can be attached to any grant of planning consent to address the additional parking requirements of the Roads Division.

4.12 Having experienced drainage and sewerage problems when the Nursing Home first opened in 1989-1990 they are concerned that the existing drainage system in the area will not cope as a result of the proposed development.

Scottish Water have no adverse comments to make in relation to the proposals.

4.13 The vast bulk of the proposals would be built in a Conservation Area.

The East Ayrshire Council Design Guidance allows for the re-development of gap sites within the conservation area to be of the highest quality, reflecting the overall design, size and scale of adjacent buildings and incorporating features which contribute positively to the character or appearance of the area. It is considered that the proposals are sympathetic to the adjacent buildings in terms of external finishes, design, size and scale while the contemporary innovative design of windows to the rear of the extension adds interest to the rear elevation of the proposed extension.

4.14 One letter of support has been received from a local resident who has lived behind the nursing home for 13 years. They have had no reason to complain about the nursing home or its residents. They have not had any reason to be concerned about privacy despite 18 windows of the nursing home viewing their property.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan (EALP).

The Adopted Ayrshire Joint Structure Plan

5.2 There are no specific policies within the Ayrshire Joint Structure Plan relevant in the determination of this application.

The Adopted East Ayrshire Local Plan (EALP)

5.3 Policies ENV 4, ENV 7 and RES 22 of the Adopted EALP are specifically relevant in the consideration of this application.

5.4 Policy ENV 4 seeks to ensure that all development within or affecting the setting of a Conservation Area or affecting the setting of a listed building is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. The Policy also states that development proposals should seek to preserve, enhance or incorporate features which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

It is considered the proposed extension fully complies with the East Ayrshire Council Design Guidance in that the design, external finishes, size and scale of the proposals are in keeping with the traditional terraced streetscape on North Hamilton Street. The proposed development of this gap site will integrate well into the street setting and add character to the Conservation Area.

5.5 Policy ENV 7 requires developers to comply with the Council's Design Guidance in order to ensure that development of infill sites recognises and reflects the scale, design features, density and materials of surrounding buildings and reflects and respects the built form of the surrounding area so as to integrate with existing buildings.

As indicated at Section 5.4 above it is considered that the proposals reflect the size, scale and density of the surrounding area. The

proposed extension is sympathetically designed taking into account design features and external materials found in the immediate vicinity. It is considered that the proposals will be fully compatible with the immediate area.

5.6 Policy RES 22 requires 15m² of open space per bed space.

The proposed development meets this requirement.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultations and representations received which are detailed in Sections 3 and 4 of the report, and the planning history of the site.

Consultations and Representations

6.2 The consultations and representations received are addressed in Sections 3 and 4 of the report, neither of which indicate that the application should be refused.

Planning History

6.3 04/1110/CA: Demolition of existing buildings. This application involves demolition of the stable block. It has yet to be determined by a Local Planning Committee, the associated advertisement period still, at the time of writing, requiring to expire. Demolition of the existing outhouse would be a pre-requisite of the scheme which would be unable to commence without grant of this separate Conservation Area application.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 As indicated at Section 5 of the report the application is considered to accord with the policies of the Adopted Local Plan. Therefore given the terms of Sections 25 and 37 of the Town and Country Plan (Scotland) Act 1997 the

application should be approved unless material considerations indicate otherwise.

8.2 As indicated at Section 6 of the report there are material considerations relevant to this application. The proposal accords with policies ENV 4 and ENV 7 of the Adopted EALP as the proposed extension is considered to be of an appropriate size, scale and design that is compatible with the Conservation Area and surrounding properties. The proposed extension has been designed to minimise overlooking to the adjoining properties whilst echoing the character and architectural quality of the existing villas along North Hamilton Street. It is considered that the concerns of the objectors are not of sufficient weight to warrant refusal of the development.

9. RECOMMENDATION

9.1 It is recommended that the application be approved, subject to the conditions on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning Development and Building Standards it will not require to be referred to the Development Services Committee as there would be no significant breach of policy.

Alan Neish
Head of Planning Development and Building Standards

01 December 2004
(BD/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Representations.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Planning Application no: 04/1110/CA.

Anyone wishing to inspect the above papers please contact Barry Douglas on 01563 576770.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/1043/FL

Site of Proposal: Argyll House Nursing Home
69 North Hamilton Street
KILMARNOCK
KA1 2QJ

Nature of Proposal: Proposed Change of Use of Vacant Yard to
Form Extension to Nursing Home

Name & Address of Applicant: Mr & Mrs De Rezze
Argyll House Nursing Home
69 North Hamilton Street
KILMARNOCK
KA1 2QJ

Name & Address of Agent: Fleming Muir Architects
20 St Quivox Road
PRESTWICK
KA9 1LJ

DPOs Reference: BD/MMM

The above FULL application should be granted subject to the following conditions:-

1. The proposed development shall be carried out in accordance with the application form received on 05 October 2004 and the amended plans received by the Planning Authority on 26 November 2004.

REASON To ensure that development is carried out in accordance with the approved details.

2. Notwithstanding the submitted plan hereby approved, details of a parking layout for 6 cars shall be submitted to and approved by the Planning Authority

prior to the commencement of development on site and implemented prior to the occupation of the extension.

REASON To ensure adequate parking provision is made available for the nursing home.

3. Notwithstanding the submitted plans hereby approved details and samples of the wooden sash and case windows, the proposed rear windows and the natural stone shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented as approved thereafter.

REASON In the interests of visual amenity and residential amenity.

4. Notwithstanding the submitted plans the roof of the proposed extension shall be covered in a natural slate, details and samples of which shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented as approved thereafter.

REASON In the interests of visual amenity and to ensure the development does not detract from the adjoining building.

5. Notwithstanding the submitted plans a sample panel of the proposed pigmented smooth cement render finish shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented as approved thereafter.

REASON In the interests of visual amenity.

6. Notwithstanding the submitted plan hereby approved a landscaping scheme including the treatment of the boundary of the site and the provision of a useable area of open space within the development site shall be submitted to and approved by the Planning Authority prior to the commencement of development on site. The scheme shall be implemented not later than the next planting season after the occupation of the extension.

REASON In the interests of visual amenity.

7. No construction works, site clearance or preparation works shall take place before 08:00 hours and after 17:00 hours on Mondays to Saturdays nor at any time on Sundays.

REASON In the interests of residential amenity.

8. Prior to the occupation of the extension opaque glazing shall be installed to the upper level corridor and ensuite windows and thereafter maintained. A sample of the opaque glazing shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented as approved thereafter.

REASON To prevent overlooking to adjacent residential properties.

9. During the period of construction works the developer of the site shall ensure that adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud and other material carried from the site by construction and any other vehicles.

REASON In the interests of public and road safety and residential amenity.

10. All building materials associated with the proposed extension shall be stored within the application site at all times throughout the period of construction.

REASON To safeguard the residential amenity of the area and in the interests of road safety.

11. Notwithstanding the submitted plans hereby approved a drawing of a scale of not less than 1:50 of the front elevation of the extension shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented thereafter as approved.

REASON In the interests of visual amenity and to ensure a high quality development in keeping with the existing building.

12. Notwithstanding the submitted plans hereby approved, details and samples of the proposed paint colour of the timber window and timber detailing on the gable shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented as approved.

REASON In the interests of visual amenity.

13. The existing walls along the boundary of the site shall be retained intact and maintained thereafter except insofar as to allow access to the required car parking spaces.

REASON To retain important existing features and to maintain to the quality of the area in the interests of visual and residential amenity.

NOTES:-

1. The applicant should make early contact with Scottish Water to discuss whether the existing water supply needs upgrading. A totally separate drainage system of foul and surface water sewers will be required.
2. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
3. The applicant should make early contact with Transco on 0141 418 4093 as the development may affect Transco apparatus in the area.
4. The applicant should make early contact with East Ayrshire Council's Roads and Transportation Division on 01563 576310 prior to the commencement of development on site to ascertain if any permits for road/footway works are required.
5. The applicant is strongly advised that no works should commence on site until such time as Conservation Area Consent is issued for the demolition of the existing stable block outbuilding.

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VIEWING PLEASE CONTACT (01563) 576790.**