

## **EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 04 FEBRUARY 2005**

**04/1110/CA: PROPOSED DEMOLITION OF EXISTING BUILDING TO  
ENABLE EXTENSION TO NURSING HOME  
AT VACANT BUILDERS YARD ADJACENT TO ARGYLL HOUSE  
NURSING HOME, 69 NORTH HAMILTON STREET, KILMARNOCK  
BY MR & MRS DE REZZE**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Conservation Area Consent is sought for demolition of the existing stable block. This will enable the erection of a two storey extension to the adjacent nursing home within the existing vacant yard which was approved on 10 December 2004. The stable block is in a poor state of repair and has been vacant for a number of years.

#### **2. RECOMMENDATION**

2.1 The application should be approved subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997 and subject to the conditions indicated on the enclosed sheet.

#### **3. CONCLUSIONS**

3.1 As indicated at Section 5 of the report the application is not considered to be in accordance with the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

3.2 As indicated at Section 6 of the report there are material considerations relevant to this application. The amenity bodies have not raised any adverse comments and Historic Scotland have indicated they have no objections to the demolition of the derelict stable block. They are of the view that the approved extension will enhance the Conservation Area. Furthermore, Historic Scotland's Memorandum of Guidance also indicates that the importance of the derelict building to the Conservation Area and the proposed redevelopment of the site

should be taken into consideration. As the stable block offers a very limited contribution to the Conservation Area and the proposed extension will enhance the Conservation Area in Historic Scotland's opinion.

3.3 The concerns of the Community Council are noted however the proposed demolition is considered to be acceptable due to the very limited contribution the existing derelict stable building makes to the Conservation Area and its future limited use. The demolition of the stable block will allow the approved development to be implemented which will complement the Conservation Area.

### **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 an application for Conservation Area Consent which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to an objection and involves complete demolition of a building in the Conservation Area.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is situated adjacent to the existing Victorian sandstone property that forms Argyll House Nursing Home. The derelict single storey stable building is in a poor state of repair and is constructed from traditional brick that matches the boundary walls of the yard with sandstone quoins and window surrounds. The roof is covered in natural slate. The yard and stable block is accessed from North Hamilton Street via a 2.5 metre high steel gate while the yard is bound by a traditional brick wall to all boundaries, 2.7 metres in height to the southern and eastern boundaries and 2.0 metres in height to the western boundary. The yard is currently in a poor state of repair and is currently utilised for the storage of vehicles

2.2 **Proposed Development:** Conservation Area Consent is sought for demolition of the existing stable block. This will enable the erection of a two storey extension to the adjacent nursing home within the existing vacant yard which was approved on 10 December 2004. The stable block is in a poor state of repair and has been vacant for a number of years.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 The Architectural Heritage Society of Scotland and Scottish Environment Protection Agency have no objections to the proposed development.

***Noted.***

3.2 Historic Scotland have indicated they have no objections to the proposed demolition of the derelict stable block as they are of the opinion that the proposed extension to the nursing home has been designed to harmonise with the other buildings in the street and could be considered to be an enhancement to the Conservation Area. Historic Scotland have made a subsequent late request via e-mail for a structural report to be submitted as justification for the demolition.

***Noted. Historic Scotland's late request for a structural report seems at odds with their written comments provided initially. It is considered that given the derelict nature of the premises and given the very limited positive contribution made to the Conservation Area by the stable building it is not considered that such justification is necessary in this instance.***

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

- The building is sited within a Conservation Area.
- The building is well over one hundred years old and as such it has historical value in the area.

***The proposed building is located in a Conservation Area, however it is not listed. The stable building is screened by the 1.7 metres high traditional brick wall and therefore the building provides a very limited contribution to the Dundonald Road Conservation Area. The building if demolished will allow the erection of a well designed extension to the nursing home which contributes positively to the streetscape.***

### 4. REPRESENTATIONS

4.1 One objection has been received from the Bonnyton Community Council, which is detailed in Section 3.3 above.

## 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.

### Adopted East Ayrshire Local Plan (EALP)

5.3 Policy ENV 2 actively encourages the retention, restoration, renovation and re-use of listed buildings, unlisted buildings in Conservation areas and other locally important, especially traditional older properties, throughout the area. There will be a presumption against the demolition or partial demolition of all such properties.

***The proposed demolition of the existing derelict stable is essentially contrary to Policy ENV 2 of the EALP although it is considered in this instance that an exception to the above policy can be made. The proposed stable block is in a very poor state of repair and has a very limited use. An extension to the adjacent Nursing Home was approved on 10 December 2004. The proposed extension is considered to be in keeping with the adjacent buildings and complements the Conservation Area through the use of traditional materials and its design and scale. It is considered that the existing derelict stable building provides a very limited positive contribution to the Conservation Area due to the 2.7 metre traditional brick wall which significantly obscures the view of the stable building from the principal elevation on North Hamilton Street.***

## 6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultations and representations which are detailed in Section 3 and 4 of the report, the planning history of the site and the Memorandum of Guidance on Listed Buildings and Conservation Areas.

## Consultations and Representations

6.2 The consultations and representations received are addressed in Sections 3 and 4 of the report, neither of which are of sufficient weight to merit the refusal of the application.

## Planning History

6.3 04/1043/FL: Proposed Change of Use of Vacant Yard to Form Extension to Nursing Home at Argyll House Nursing Home approved on 10 December 2004. This proposal involved the erection of two storey extension within the existing yard which would result in the demolition of the stable block.

## Memorandum of Guidance

6.4 Paragraph 4.28 of the Memorandum states "In deciding whether consent should be granted, Planning Authorities should take account of the importance of the building to the character or appearance of any part of the Conservation Area and of proposals for the future of the cleared site". It is considered given these comments that the derelict stable building offers a very limited contribution to the Dundonald Road Conservation Area while the proposed extension is considered as an enhancement to the Conservation Area being designed to incorporate features of the streetscape and through the use of traditional materials.

***Noted. The stable block offers a very limited contribution to the Conservation Area and the proposed extension will enhance the Conservation Area in Historic Scotland's opinion.***

## **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 not considered to be in accordance with the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

8.2 As indicated at Section 6 of the report there are material considerations relevant to this application. The amenity bodies have not raised any adverse comments and Historic Scotland have indicated they have no objections to the

demolition of the derelict stable block. They are of the view that the approved extension will enhance the Conservation Area. Furthermore, Historic Scotland's Memorandum of Guidance also indicates that the importance of the derelict building to the Conservation Area and the proposed redevelopment of the site should be taken into consideration.

8.3 The concerns of the Community Council are noted however the proposed demolition is considered to be acceptable due to the very limited contribution the existing derelict stable building makes to the Conservation Area and its future limited use. The demolition of the stable block will allow the approved development to be implemented which will complement the Conservation Area.

## **9. RECOMMENDATION**

**9.1 The application should be approved subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997 and subject to the conditions indicated on the enclosed 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**

25 January 2005  
(BD/MMM)

FV/DVM

## LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. Planning Application No. 04/1043/FL.

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

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

14/1110/CA

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Site of Proposal:	Vacant Builders Yard North Hamilton Street KILMARNOCK KA1 2EQ
Nature of Proposal:	Proposed Demolition of Existing Building to Enable Extension of Adjacent Premises
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

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DPOs Reference: BD/MMM

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

1. No demolition works relative to the stable building shall be undertaken until the Head of Planning Development and Building Standards has had sight of and has confirmed in writing that he is satisfied that a contract has been placed for the extension to Argyll House Nursing Home in accordance with planning permission ref: 04/1043/FL.

REASON In order that the stable building is not demolished as a separate proposal from the works to extend the Nursing Home.

2. The developer shall notify the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) of their intention to carry out the demolition work hereby approved and shall thereafter allow RCAHMS a period of up to three months to record the building during which time, demolition may not

be undertaken unless the RCAHMS has indicated in writing that its record has been completed.

REASON In order to ensure compliance with the Planning Listed Buildings and Conservation Areas (Scotland) Act 1997.

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