

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 05 May 2006

**06/0100/FL: PROPOSED 64 BED NURSING HOME, CAR PARKING AND
ASSOCIATED LANDSCAPING
AT MEIKLEWOOD ROAD, KILMARNOCK
BY SOUTHERN CROSS HEALTHCARE**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought to construct a 64 bed nursing home that will be set within a 'U' shaped building. The accommodation will be provided over two and a half levels with all rooms being single occupancy with en-suite toilet facilities. Associated dining, day care, treatment and staff facilities will also be provided. The building is proposed to be finished in dark grey concrete roof tiles with buff facing brick walls with white dry dash render and cement panels in pewter grey. The roof will be hipped and timber windows coloured grey will be installed with a small entrance porch area providing some further visual interest to the front elevation.

1.2 Access to the site will be from Meiklewood Road. Fifteen car parking spaces will be provided within the courtyard and a further seven spaces will be provided to the west and north of the block. Access to fifteen spaces for the use of Mount Carmel Primary School which are located to the west of the site will be from an access road at the side of the school. Garden ground for use by residents will be located to the rear and sides of the building.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the application is considered to be contrary to 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 in Section 6 of this report, there are material considerations relevant to the determination of this application. The material considerations are supportive of the proposal and the proposed development can be undertaken in a manner which meets the requirements of the statutory consultees. It is considered that in this instance an exception to policy can be made, given the nature of the proposed use. The proposal is for a residential institutional use that will be complementary to neighbouring community, educational and residential uses whilst also bringing a vacant area of land back into use through an appropriately designed scheme. The proposed development is considered to add considerably to the amenity of the area and will benefit the local community adding a valuable use into the neighbourhood. The building in its design and use of appropriate external materials is, subject to conditions, complimentary to neighbouring properties and the surrounding area. The amended design and the increase in height of the building is considered acceptable.

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 breach of Council 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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CENTRAL LOCAL PLANNING COMMITTEE: 05 MAY 2006

06/0100/FL: PROPOSED 64 BED NURSING HOME, CAR PARKING AND ASSOCIATED LANDSCAPING AT MEIKLEWOOD ROAD, KILMARNOCK BY SOUTHERN CROSS HEALTHCARE

Report by Head of Planning, Development and 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 a larger application of area significance that is contrary to the development plan.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is a regular shaped area of grass extending to 0.52 hectares within the Onthank area. The site is bound to the north by a multi sports pitch and Meiklewood Road beyond which is Onthank Primary School. To the south lies the sheltered housing of Creighton Court and to the east lies 3 storey vacant property formerly flats and shops. Mount Carmel Primary School is to the west of the site.

2.2 **Proposed Development:** Full planning permission is sought to construct a 64 bed nursing home that will be set within a 'U' shaped building. The accommodation will be provided over two and a half levels with all rooms being single occupancy with en-suite toilet facilities. Associated dining, day care, treatment and staff facilities will also be provided. The building is proposed to be finished in dark grey concrete roof tiles with buff facing brick walls with white dry dash render and cement panels in pewter grey. The roof will be hipped and timber windows coloured grey will be installed with a small entrance porch area providing some further visual interest to the front elevation.

2.3 Access to the site will be from Meiklewood Road. Fifteen car parking spaces will be provided within the courtyard and a further seven spaces will be provided to the west and north of the block. Access to fifteen spaces for the use of Mount Carmel Primary School which are located to the west of the site will be from an access road at the side of the school. Garden ground for use by residents will be located to the rear and sides of the building.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Water have no objections subject to a totally separate drainage system with the surface water discharging to a suitable outlet. They recommend that SUDS is utilised in the surface water design.

A condition and notes can be attached to any grant of planning permission advising the applicant to make early contact with Scottish Water regarding the provision of a drainage and/or water scheme for the development and the provision of SUDS system.

3.2 The Scottish Environment Protection Agency (SEPA) have recommend that surface water from the site is treated in accordance with the principles of Sustainable Urban Drainage Systems (SUDS).

The requirements of SEPA can be met by attaching a condition and notes to any grant of planning permission regarding the requirements for SUDS.

3.3 East Ayrshire Council's Environmental Health and Waste Management Section have no objections to this application although advise the following:-

- i) Suitable provision should be made for re-cycling waste bins and a suitable safe route should be available for refuse collection vehicles to access the bin collection point.
- ii) Site construction activities should not result in any nuisance to any nearby premises (eg dust, smoke from burning of waste or noise).
- iii) It is not anticipated that there are any significant ground contamination issues affecting this site. The developer should exercise due diligence to deal with anomalies which might arise during site works.
- iv) There is an enclosed floodlit play pitch area adjacent to the northern edge of the development site. Whilst the area is enclosed by a high fence to minimise stray balls, etc; it could represent a potential source of disturbance with noise from youngsters utilising the facility. It is understood that this is a Council provided facility which currently has no restriction at times of use and given the presence of floodlighting, it could be in use in the evenings all year round.

Items (i) and (ii) can be addressed by attaching conditions to any grant of planning permission and Item 3 can be included as an advisory note to bring the matter to the applicant's attention. In respect of Item 4 the response to Section 3.4 of this report deals with this matter.

3.4 East Ayrshire Council's Outdoor Amenities Section have stated they have no objections to the proposal. They have however stated that due to the close proximity to the children's play area, the building should be designed so that noise and light do not become a nuisance to people staying within the home.

The part of the proposed building that is immediately adjacent to the play area is shown as containing a stairwell. Therefore the noise impact and light nuisance from the play facility will not impact on the proposed nursing home.

3.5 East Ayrshire Council's Roads and Transportation Division have no objections subject to the parking space being provided to accommodate the displaced on-street parking for the school being constructed prior to the installation of the footway bollards, and traffic management of the construction traffic being agreed prior to the commencement of works on site. The applicant should contact the Roads Division prior to commencing work on site to agree traffic management of the construction traffic.

Conditions can be attached to any grant of planning consent to meet the requirements of the Roads Division.

3.6 The Access Panel had no objections to the proposed development.

Noted.

3.7 Scottish Power and North West Kilmarnock Community Council have not responded to their consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 No third party letters of objection have been received in relation to this application.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that applications should be 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 (AJSP)(1999) and the Adopted East Ayrshire Local Plan (EALP)(2003).

Approved Ayrshire Joint Structure Plan (AJSP)

5.2 There are no policies within AJSP relevant to the proposed development.

Adopted East Ayrshire Local Plan (EALP)

5.3 Policies CS 1, RES 1 and RES 10 of the Adopted EALP are relevant in the determination of this application. Part of the site comprises land identified in the EALP as Housing Development Opportunity Site 149H which is safeguarded for Affordable Housing.

5.4 Policy CS 1 states the Council will, subject to the necessary finance being available, respond positively to changing needs and demands for community and educational facilities throughout East Ayrshire. Wherever possible existing facilities will be retained and improved and support and encouragement will be given to all other community facility and public service organisations to maintain and improve the services they provide.

The proposal would accord with Policy CS 1 through providing additional nursing home places within Kilmarnock where there is currently a shortage of such accommodation.

5.5 Policy RES 1 encourages and supports the residential development of Opportunity Sites identified for housing purposes within the local plan and reserves them for residential and associated recreational and amenity open space development.

This application relates to a nursing home and is therefore contrary to the provisions of this policy.

5.6 Policy RES 10 is also relevant and requires the provision of affordable and low cost housing for sale on those sites identified as appropriate for such purposes in the local plan. All housing proposals will be required to meet the Council's standards regarding design and layout.

The proposed development is considered to be contrary to the provisions of this policy. However it is considered that an exception to Policies RES 1 and RES 10 can be justified in this instance as a proposed nursing home is an acceptable and compatible use within the residential area.

5.7 Policy RES 22 requires a minimum of 15m² per bed space of open space to be provided for a nursing home.

The proposed development meets the above requirement as it is providing open space along the sides and rear of the building.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultation responses which are detailed in Section 3 of the report, the impact on the amenity of the area and planning history of the site.

Consultation Responses

6.2 The consultation responses do not indicate that the application should be refused.

Amenity of the Area

6.3 The aspect of amenity has been assessed and it is considered that the use of this site for residential institutional purposes would not be detrimental to the area. The site is located within a residential neighbourhood and is surrounded by residential properties and local educational facilities. A nursing home is considered to be a complementary use.

6.4 The building has been designed in a 'U' shaped format which reduces its size and scale. It is limited to two and half storeys in height in keeping with surrounding property and the hipped roof reduces the massing of the building. The neighbouring school buildings are of a larger mass and scale relative to which the proposed unit will be compatible. External materials are in keeping with those used on neighbouring sites and are appropriate to a residential area. Surrounding buildings are of various heights ranging from 3 storey at Amlaird Road to single and 2 storey at Creighton Court and 2/3 storeys at the Church and neighbouring schools.

Planning History

6.5 04/1096/FL: Full planning permission was granted on 09 May 2005 for 54 bed nursing home, car parking and associated landscaping on the same site as the application under consideration. This development also involved a U-shaped building and was 2 storey in height. The present application is some 2.5 metres higher than the previous proposal.

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 in Section 5 of the report, the application is considered to be contrary to 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 in Section 6 of this report, there are material considerations relevant to the determination of this application. The material considerations are supportive of the proposal and the proposed development can be undertaken in a manner which meets the requirements of the statutory consultees. It is considered that in this instance an exception to policy can be made, given the nature of the proposed use. The proposal is for a residential institutional use that will be complementary to neighbouring community, educational and residential uses whilst also bringing a vacant area of land back into use through an appropriately designed scheme. The proposed development is considered to add considerably to the amenity of the area and will benefit the local community adding a valuable use into the neighbourhood. The building in its design and use of appropriate external materials is, subject to conditions, complimentary to neighbouring properties and the surrounding area. The amended design and the increase in height of the building is considered acceptable.

9. RECOMMENDATION

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

CONTRARY DECISION NOTICE

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 breach of Council policy.

Alan Neish

Head of Planning, Development and Building Standards

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultations Responses.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.
6. Planning Application No: 04/1096/FL

Anyone wishing to inspect the above papers please contact Pamela Clifford on 01563 576798.

Implementation Officer: Alan Neish

041096FL

26 April 2006

(FC/RH)

FV/DVM

060100FLMeiklewoodRoadKilmarnockRH

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/1096/FL

Site of Proposal:	Meiklewood Road KILMARNOCK KA3 2EL
Nature of Proposal:	Proposed 64 Bed Nursing Home, Car Parking and Associated Landscaping
Name & Address of Applicant:	Southern Cross Healthcare Enterprise House Valley Street North Darlington DL 1 1GY
Name & Address of Agent:	Cooper Cromer Newton House 457 Sauchiehall Street GLASGOW G2 3LG

DPOs ReferenceFC/RH

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 and plans received on 07 February 2006.

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

2. Notwithstanding the approved plans, details of the design and construction of all fences and walls (including boundary treatment) to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site. All boundary treatment and other fences and walls shall thereafter be erected on site as approved prior to the nursing home being brought into use.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual and residential amenity.

3. A landscaping scheme including the treatment of the boundary of the site and details of useable amenity areas for residents shall be submitted to and approved by the Planning Authority prior to commencement of any development on site and shall be implemented not later than the next appropriate planting season after the development has been carried out.

REASON To ensure provision of adequate landscaping in the interests of the amenity of the residents and visual amenity.

4. The landscaping/open space relating to this development as part of Condition 3 above shall be laid out simultaneously with the development, or each phase thereof, and shall be maintained thereafter in accordance with a maintenance scheme to be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON To ensure that amenity areas are laid out in a proper manner in the interests of residential amenity.

5. The developer of this site shall ensure that, during the development phase, adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud.

REASON In the interests of road safety.

6. No external construction work, site clearance or preparation works shall take place before 08:00 hours and after 17:00 hours on Mondays to Fridays, before 08:00 and after 13:00 on Saturdays, and not at any time on Sundays.

REASON To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interests of residential amenity.

7. Notwithstanding the approved details and prior to any work commencing on site, details and samples of all external materials including the distribution of the proposed materials and design of the proposed windows shall be submitted to and approved in writing by the Planning Authority and shall thereafter be implemented as approved.

REASON In the interests of visual amenity.

8. Prior to any work commencing on site, details and samples of all external surfaces comprising access roads, car parking areas and footpaths shall be submitted to and approved in writing by the Planning Authority and thereafter implemented as approved prior to the nursing home being brought into use.

REASON In the interests of visual amenity.

9. Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. The Sustainable Urban Drainage System shall thereafter be formed and maintained on site in accordance with the approved details prior to the nursing home being brought into use.

REASON To ensure that adequate drainage is provided.

10. Prior to the commencement of development, the applicant shall submit to and have received approval from the Planning Authority for, details in respect of the provision of waste bin storage consistent with the Council's three bin recycling system, and of suitable safe access routes to a bin collection point for use by collection vehicles.

REASON In the interests of public health and visual amenity.

11. The proposed 15 car parking spaces to the west of the site shall be constructed prior to the installation of the bollards on Meiklewood Road.

REASON To ensure there is adequate parking for Mount Carmel Primary School.

NOTES:

1. Prior to the commencement of any works on site for the development hereby approved, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.

2. The developer shall make early contact with Scottish Water to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. Scottish Water require this development to be drained in accordance with the recommendations contained in the CIRIA Manual on SUDS. Early contact with Scottish Water is also recommended relative to connection to the public water and sewerage systems.

3. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.
4. The applicant should ensure that prior to development commencing on site, they have secured agreement from Scottish Water regarding the suitability of all proposed drainage connections and the suitability of the existing infrastructure to accommodate such connection.
5. Early contact is recommended with Scottish Water at 35 Glenburn Road, Prestwick regarding connecting to the public sewerage system.
6. The applicant is advised that East Ayrshire Council's Environmental Health Service is not aware of any significant ground contamination issues affecting this site. The developer should however exercise due diligence to deal with any anomalies which may arise during site works. In such case early contact would be recommended with Environmental Health on 01563 554022.
7. The applicant should contact the East Ayrshire Council's Roads and Transportation Division (01563 576310) prior to commencing work on site to agree traffic management of the construction traffic.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
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VIEWING PLEASE CONTACT (01563) 576790.**