

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 09 MARCH 2005

**04/1096/FL: PROPOSED 54 BED NURSING HOME, CAR PARKING AND
ASSOCIATED LANDSCAPING
AT MEIKLEWOOD ROAD, KILMARNOCK
BY THE HIGHFIELD GROUP**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought to construct a 54 bed nursing that will be set within a 'U' shaped building. The accommodation will be provided over two levels with all rooms single occupancy housing with en-suite toilet facilities. Associated dining, day care, treatment and staff facilities will also be provided. The building will be finished in red concrete roof tiles with red/brown facing brick walls with white dry dash render. The roof will be hipped and white upvc windows will be installed with a small entrance porch area providing some interest to the front elevation.

1.2 Access to the site will be from Meiklewood Road. Eighteen car parking spaces will be provided within the courtyard and a further 15 spaces will be provided to the west of the site which will be accessed separately from Meiklewood Road. 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 conditions indicated on the enclosed sheets and that the issuing of the planning decision notice be withheld until the application has been referred to and cleared by the Scottish Ministers under the Town and Country Planning (Notification of Applications)(Scotland) Direction 1997.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the application is considered 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 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 and sensitive 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, appropriate to neighbouring properties and the surrounding area.

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 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 Development Services Committee under the scheme of delegation as it is contrary to the East Ayrshire Local Plan, is located on land in which the Council has an ownership interest and requires to be notified to the Scottish Ministers.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is a regular shaped area of grass extending to 0.44 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. The Post Office is the only property that remains open. Mount Carmel Primary School is to the west of the site.

2.2 **Proposed Development:** Full planning permission is sought to construct a 54 bed nursing that will be set within a 'U' shaped building. The accommodation will be provided over two levels with all rooms single occupancy housing with en-suite toilet facilities. Associated dining, day care, treatment and staff facilities will also be provided. The building will be finished in red concrete roof tiles with red/brown facing brick walls with white dry dash render. The roof will be hipped and white upvc windows will be installed with a small entrance porch area providing some interest to the front elevation.

2.3 Access to the site will be from Meiklewood Road. Eighteen car parking spaces will be provided within the courtyard and a further 15 spaces will be provided to the west of the site which will be accessed separately from Meiklewood Road. 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 object to this application on the basis that the cost of providing infrastructure to serve the development is outwith Scottish Water's "reasonable cost" obligations in terms of the Sewerage (Scotland) Act 1968. Scottish Water would remove its objection if the applicant bears the cost of the increase in capacity of Scottish Water's existing infrastructure to accommodate their development and/or promotes a scheme that does not compromise the quality and quantity of discharge from the existing sewerage system which is in terms satisfactory to Scottish Water.

An advisory note can be attached to any grant of planning permission requiring the applicant to meet the requirements of Scottish Water.

3.2 The Scottish Environment Protection Agency (SEPA) have advised that any planning permission granted should also include a condition requiring the applicant to treat surface water from the site in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Design Manual for Scotland and Northern Ireland.

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 1 and 2 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 are concerned at a possible conflict of interest between the proposed development and the existing play area which is floodlit until 10.00 pm at night. The close proximity of the home could create a noise nuisance for residents as the plans indicate a 'quiet room' directly opposite the play area. Unless this room is triple glazed and sound proofed, the room is not anticipated to serve its purpose. The building should be re-designed to be further from the play area and some kind of screen/barrier installed to cut down noise and provide more privacy. The proposed access road also runs directly across the SUDS for the play area which is a 3 metre square infill hole to create a soakaway.

The concern expressed by Outdoor Amenities regarding the potential noise nuisance between the multi-sports area and the nursing home and the presence of floodlights can be addressed by removing or re-siting windows on the front elevation facing the multi-sports area. This will help to alleviate noise and light nuisance.

The protection of the soakaway can also be conditioned in addition to a landscaping screen at ground floor level if consent is granted.

3.5 East Ayrshire Council's Roads and Transportation Division and North West Kilmarnock Community Council have no adverse comments to make regarding the proposed development.

Noted.

3.6 East Ayrshire Council's Education and Social Services have not replied 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 applicants 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 relevant policies within AJSP relevant to the proposed development.

Adopted East Ayrshire Local Plan (EALP)

5.3 Policies 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 and is safeguarded for Affordable Housing.

5.4 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.

5.5 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 an exception to Policies RES 1 and RES 10 can be justified in this instance as a proposed nursing home is an acceptable use within the residential area.

5.6 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 and the impact on the amenity of the area.

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 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 line 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.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

7.2 Legal implications arise as the application requires to be notified to the Scottish Ministers under the provisions of the Town and Country Planning (Notification of Applications)(Scotland) Direction because the Council has an ownership interest in the site and the application is contrary to the local plan.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, the application is considered 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 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 and sensitive 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, appropriate to neighbouring properties and the surrounding area.

9. RECOMMENDATION

9.1 It is recommended that the application should be approved subject to conditions indicated on the enclosed sheets and that the issuing of the planning decision notice be withheld until the application has been referred to and cleared by the Scottish Ministers under the Town and Country Planning (Notification of Applications)(Scotland) Direction 1997.

Alan Neish
Head of Planning, Development and Building Standards

24 February 2005
(FMF/MMM)

FV/DVM

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.

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

Implementation Officer: Alan Neish

041096FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/1096/FL

Site of Proposal:	Meiklewood Road KILMARNOCK KA3 2EL
Nature of Proposal:	Proposed 54 Bed Nursing Home, Car Parking and Associated Landscaping
Name & Address of Applicant:	Highfield Group Per Robertson Design Nethermill Netherton Road LANGBANK PA14 6YG
Name & Address of Agent:	Robertson Design Nethermill Netherton Road LANGBANK PA14 6YG

DPOs Reference: FMF/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 and plans received on 14 October 2004 and the amended plans received by the Planning Authority on 02 February 2005.

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 adequate landscape 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 4 above shall be laid out simultaneously with the development, or each phase thereof, and shall be maintained thereafter in accordance with maintenance schemes 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 construction work, site clearance or preparation works shall take place between 08:00 hours and 17:00 hours on Mondays to Fridays, 08:00 to 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. All windows on the ground and upper floors of the front north-west elevation of the "quiet room" overlooking the multi sports pitch shall be removed and replaced by a solid gable elevation. The bathroom windows on the north-west elevation shall be re-sited along the eastern elevation. All windows on the ground and upper floors of the quiet room along its south-west facing elevation shall be triple glazed windows and shall be installed prior to the nursing home being brought into operation and maintained thereafter.

REASON In order to avoid noise and light nuisance to the nursing home from the adjacent multi-sports area.

11. Prior to any work commencing on site, details of protection measures to ensure the continued unhindered operation of the existing gravel soakaway for the multi storey sports pitch over which the access road into the nursing home will be formed, shall be submitted to and approved in writing by the Planning Authority. The measures as agreed shall thereafter be implemented as approved on site prior to the nursing home being brought into use.

REASON In order to ensure that the soakaway for the play area is not affected by the construction works.

12. Notwithstanding the approved plans, a landscape bunding feature along the front of the nursing home adjacent to the multi-sports pitch and the vacant area adjacent to Meiklewood Road shall be provided; details of this landscape bunding feature shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented on site not later than the next appropriate planting season after the nursing home has been brought into use.

REASON To ensure an effective visual screen between the proposed nursing home and the vacant site and adjacent multi-sports pitch.

13. Prior to any work commencing on site, details of soundproofing measures to be installed to the 'quiet rooms' on the ground and upper floors on the western wing of the nursing home shall be submitted to and approved in writing by the Planning Authority and thereafter shall be installed on site as approved prior to the nursing home being brought into use.

REASON In the interests of the amenity of residents of the nursing home.

14. 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.

REASON In the interests of public health and visual amenity.

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.

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