

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE : 3 AUGUST 2001

**00/0724/LB & 00/0769/FL : PROPOSED CHANGE OF USE AND EXTENSION OF FORMER
RESIDENTIAL HOME (VACANT) TO RESIDENTIAL HOME FOR THE ELDERLY AT
KIRKLAND PARK HOUSE, KIRKLAND ROAD, DARVEL
BY DR A DAD**

Report by Head of Planning & Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination two applications, a listed building and planning application, which are to be considered by the Local Planning Committee under the scheme of delegation because they have been the subject of objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is the house and land at Kirkland Park, Darvel. Kirkland Park House is a Grade B Listed Building which has been vacant for a number of years and is in a neglected condition.

2.2 **Proposed Development:** It is proposed to change the use and extend the vacant former children's residential home to form a residential home for the elderly. The proposed 2 storey extension is located to the north of the building. When viewed from the front of the existing building the extension is only visible where it extends 6.4 m further west than the existing elevation. The existing enclosed fire escape which currently leads to the attic at the rear of the building will be removed to accommodate the proposed extension.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads Division confirmed that they had no objections subject to conditions:

The existing private road, Robertson Gardens, is of insufficient standard to allow the proposed development without significant improvements. This would involve the following items:

- (i) The junction with East Main Street must be widened to allow two-way traffic over the first 10 m, involving the removal of the existing stone pillars. A carriageway width of 5.5 m and 1.0 m service strips either side being required for a shared surface road junction.
- (ii) Robertson Gardens should be reconstructed to a shared road standard as there is insufficient space to provide an upgrade of the existing to a conventional road with footway access onto East Main Street. The normal construction for a shared surface road is block paving but the Roads Division would be prepared to accept a coloured chipping asphalt overlay on the existing road construction. Other work required to bring the road to an acceptable standard would be the provision of kerbing along the side of the road currently

only bounded by a grass verge. There is also the need to address the provision of a surface water drainage system which, though present in the form of gullys at the turning areas, would require additional elements. These points will be addressed more fully at Road Construction Consent stage but should be noted at present given the cost implications to the applicant.

- (iii) The private driveway from the end of Robertson Gardens to Kirkland Park House will not be considered for inclusion in the list of roads and hence need not conform to any particular standard with the footway indicated being provided at the discretion of the applicant as no footway is required on a shared surface road.
- (iv) Parking levels for the facility should be based on the number of beds being provided, with a common national standard of one space per two beds being considered appropriate. 14 no spaces should be provided for this facility.

The plans were amended following these comments and the Roads Division confirmed that the revised layout complies with the requirements of their recommendations however there is no indication of compliance with respect to detailed construction improvements which will be necessary ie. removal of entrance pillars and walls; new kerbing; resurfacing with coloured chippings; improvements to surface water drainage. These details will be required as part of the Road Construction Consent application and can be attached as conditions to any grant of planning permission.

- 3.2 The Scottish Environment Protection Agency have advised that they have no objection to this proposal on the understanding that the foul drainage is connected to the public sewer.

Noted

- 3.3 West of Scotland Water Authority have stated that there is a public sewerage system to which a connection may be made. The developer should satisfy himself, by site investigation if necessary, that relative levels are such as will allow the development to be connected at a reasonable gradient. Sustainable Urban Drainage Systems should be employed on the surface water drainage system.

Noted. These comments can be attached as notes to any grant of planning permission.

- 3.4 The Coal Authority have no adverse comments on the application.

Noted

- 3.5 The Department of Community Services have no objection to these applications. However any maintenance of Community Service Account held land which may be damaged by this application should be reinstated to the satisfaction of the Outdoor Amenities Manager or his nominee. It will also be necessary to submit details of future landscaping proposals.

Noted. A condition requiring details of landscaping proposals for the site can be attached to any grant of planning permission.

3.6 Historic Scotland have confirmed that the Historic Buildings Inspectorate is satisfied with the amendments specified in the amended proposals with the exception of the windows. Only painted windows are acceptable. The Inspectorate is fully appreciative of the applicant's commitment to this building which has been a problem for many years, and that the cost of installing windows alone will be considerable. The window specification meets with the guidance set out in the Memorandum. With regard to the potential problem of residents being able to open double glazed timber sashes and case windows, it should be possible to overcome this by the use of traditional sashes with larger counterweights. If it is proposed to use a modern system with a sprung opening system then it is suggested that the applicant should investigate other systems that use timber sashes.

After consideration, the applicant has confirmed that he will endeavour to meet Historic Scotland's requirements. A condition regarding the windows can be attached to any grant of planning permission and listed building consent..

3.7 The Scottish Civic Trust have stated that whilst they would normally resist an extension of such proportions to a building of this calibre, they believe that it would provide a reasonable reuse to secure the future of this so far beleaguered listed villa in a very much-compromised setting. However, the Trust wish to comment on some of the details which they believe could be improved:

(i) The Trust welcomes the changes made to the layout of the interior of the original villa and is happy that the original proportions of the principal rooms are to be respected;

(ii) The junction with the proposed extension has not been engineered well. The amended proposals are awkward and ponderous, lumping the two structures together in an unsatisfactory manner. As a result the mass of the new structure no longer suggests subservience to the original building. The amended extension would make the overall footprint more than twice the size of that intended for the original house and would dominate not only the house but its setting. The Trust therefore objects to the amended extension;

(iii) The Trust recognise that the building has been subjected to considerable vandalism. The Trust ask that any original features such as cornices or fireplaces that have survived be retained and that the partitions for the en-suite toilets be detailed to avoid damage to any corning;

(iv) The Trust are surprised that it is perceived that sash and case windows are heavy to operate. As long as the weights and pulleys are properly fitted the sashes should glide easily within their case whether they are single or double-glazed;

(v) The health implications associated with UPVC windows may be unknown to the applicant. Lead pollution emitted with gases in the day to day degradation of UPVC windows is acknowledged as hazardous and the Trust recommend that this aspect of such materials be considered and their suitability reviewed; and

(vi) Whilst the Trust accept that the current proposed re-use is an appropriate re-use given the current circumstances it is not ideal. The different uses of such fine buildings are often very short chapters in the history of their life spans. In this respect the Trust would advocate that every effort be made to fit the appropriate glazing for this building in deference not only to its past but its potential future uses in future decades.

Noted. Conditions regarding the windows can be attached to any grant of planning permission and a listed building consent. With regard to the scale of the extension it is considered that when viewed from the principle front elevation, the area of new build is acceptable.

It is accepted that the footprint of the extension would double the size of the existing building however, due to the B Listing of the building, the applicant has abandoned the original proposals to sub-divide rooms to create smaller, more useable rooms which has resulted in a need to increase the area of new build. Furthermore, the applicant also has had to satisfy the requirements of both the Health Board and the Social Services Department. Following extensive discussions the Social Services Department gave the applicant their considered approval only to a design where the extension is directly attached to the main building.

3.8 The Architectural Heritage Society of Scotland provided the following comments on the proposals:

- (i) As development proposals in this area have continued to change, the Society is unsure now as to what has actually been approved. In particular, the relationship of this site to the land behind where, we recollect the last application for approximately 20 houses was refused a few years ago. Our concern here is that the proposed extension to Kirkland House, where there are ground floor windows shown on this extension, extends practically to the northern boundary.
- (ii) The proposed extension appears to have been offset because of the tightness of the site here. Rather than offsetting the extension to try to fit it into this tight area, we believe it should be flush with the west elevation of Kirkland Park House. It therefore requires to be redesigned and preferably stepped back from the northern boundary.
- (iii) The extension still dominates the original 'B' Listed Building because of its size, even though its height is lower. This is of concern to the Society.
- (iv) The Society have no details of proposed finishes, window types etc. These should be timber sash and case; at the very least on the west elevation and on the south part of the extension, which would be seen from the front of the original house, if the extension remains offset as shown on the current plans.
- (v) The Society expect that the extension would be wet dash render. This would be acceptable provided that the roof of the extension is slated.
- (vi) If this is to be a residential home, we suggest that the applicant is required to provide another more direct access (which need only be for pedestrians) through to Kirkland Park Road.
- (vii) The Society find the proposed doors for the development quite appropriate.

There are no outstanding applications or consents for development to the rear of this application site. Consequently, any proposals submitted in the future would have to take account of any development on site.

As noted in response to paragraph 3.7 above, it is considered that even though the extension does extend past the west elevation when viewed from the front, it is not considered that this is so significant as to merit refusal of these applications. Consideration must be given to the state of the building and the

need to find a future use. As noted in Section 6, these application do comply with the wording of the policies in the East Ayrshire Local Plan and their purpose.

4. REPRESENTATIONS

Objections have been received from two consultees to the application, The Scottish Civic Trust and The Architectural Heritage Society of Scotland. These objections are noted in paragraphs 3.7 and 3.8 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 be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Adopted Ayrshire Joint Structure Plan and the Ayr County Development Plan (1953) and the Darvel Town Map (1964).

5.2 However, the Adopted Ayr County Development Plan is now almost 50 years out of date. Given the age of this plan, its relevance to the application is negligible. Nevertheless, within this Plan the site is identified as a residential home establishment. Consequently, it is considered that the current proposal complies with the principles of the Ayr County Development Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the Finalised East Ayrshire Local Plan as Modified, the government guidance on listed buildings contained within the Memorandum of Guidance on Listed Buildings and Conservation Areas, consultations and objections detailed above.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the Finalised East Ayrshire Local Plan Finalised as Modified (EALP) should be considered a prime material consideration.

6.3 Policy ENV4 of the EALP draws upon the guidance contained in the Memorandum on Listed Buildings and states that “the Council will seek to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or 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. Wherever possible, all 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”. The purpose of the policy is to ensure that new development is sympathetic to the character of existing buildings.

The applications have been amended significantly to take account of extensive consultation with Historic Scotland and other amenity bodies. It is, therefore considered that the layout, size, scale, design and finish complies with both the wording and purpose of the policy.

6.4 Policies RES 6, 7 and 8 of the East Ayrshire Local Plan relate to the conversion of large buildings, whether already in residential use or vacant, into smaller residential units or into an institutional use. The purpose of these policies is to maximise the contribution existing properties can make to meeting housing demands, to assist in securing the long term future of the existing building and to rescue historic buildings, seriously at risk from neglect, from further collapse or further decay.

The proposal generally meets these policies as it will return a vacant listed building to an economic use. It is considered that the proposal complies with both the wording and purpose of the policies.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in determining these applications.

8. CONCLUSIONS

8.1 As is indicated at Section 5 above, the proposal is considered to be generally in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the applications should be approved unless material considerations indicate otherwise. As is indicated at Section 6 above, there are material considerations relevant to these applications, and, in this instance, it is considered that these add further weight to the presumption in favour of the development plan.

9. RECOMMENDATION

9.1 It is recommended that the Listed Building application 00/0724/LB be approved subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987 and subject to the conditions on the attached sheet.

9.2 It is further recommended that Planning Consent 00/0769/FL be approved subject to the conditions on the attached sheet.

Alan Neish
Head of Planning & Building Control

26 July 2001
YM/FD

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form/Plans.
2. Statutory Notice/Certificates.
3. Letters of Representation.
4. Finalised East Ayrshire Council Plan (as Modified).
5. Ayr County Development Plan and Darvel Town Map.
6. Adopted Ayrshire Joint Structure Plan.
7. Memorandum of Guidance on Listed Buildings and Buildings in Conservation Area.

Anyone wishing to inspect the above papers please contact Yvonne Nisbet on 01563 576771.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE : 3 AUGUST 2001

**00/0724/LB & 00/0769/FL : PROPOSED CHANGE OF USE AND EXTENSION OF FORMER
RESIDENTIAL HOME (VACANT) TO RESIDENTIAL HOME FOR THE ELDERLY AT
KIRKLAND PARK HOUSE, KIRKLAND ROAD, DARVEL
BY DR A DAD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to change the use and extend the vacant former children's residential home to form a residential home for the elderly. The proposed 2 storey extension is located to the north of the building. When viewed from the front of the existing building the extension is only visible where it extends 6.4 m further west than the existing elevation. The existing enclosed fire escape which currently leads to the attic at the rear of the building will be removed to accommodate the proposed extension.

2. RECOMMENDATION

2.1 It is recommended that the Listed Building application 00/0724/LB be approved subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987 and subject to the conditions on the attached sheet.

2.2 It is further recommended that Planning Consent 00/0769/FL be approved subject to the conditions on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 As is indicated at Section 5 of the report, the proposal is considered to be generally in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the applications should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to these applications, and in this instance it is considered that these add further weight to the presumption in favour of the development plan.

Alan Neish
Head of Planning & Building Control

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.

TP24

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0724/LB

To preserve and enhance the Category 'B' Listed Building and in the interest of visual amenity.

5. Notwithstanding the plans hereby approved the roof shall be covered in natural slates.

REASON

In the interest of visual amenity and to maintain the visual quality of this Category 'B' listed building.

TP24kirklandparkhouse/b/yn/fd/5

TP24

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0769/FL

Site of Proposal	Kirkland Park House Kirkland Road DARVEL
Nature of Proposal	Proposed Change of Use from Former Residential Home (Vacant) to Residential Home for the Elderly (including Extension)
Name & Address of Applicant	Dr Arfan Dad 79 Merrylee Road NEWLANDS GLASGOW G43 2QY

Name & Address of Agent

DPO's Reference: YN/FD

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 existing plans (sheet Nos 1, 2, 3) received on 26 October 2000 and the amended proposed plans and letter received by the Planning Authority on 12 March 2001.

REASON

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

2. Notwithstanding the submitted plans, the use of UPVC windows is not hereby approved. Only painted timber windows will be acceptable. Details/samples of the windows shall be submitted to and approved by the Planning Authority before any development commences on site.

REASON

To preserve and enhance the Category 'B' Listed Building and in the interest of visual amenity.

3. Notwithstanding the submitted plans the door frames, fan light surrounds, gutter and eaves details shall be painted to match the doors. Details/samples of the proposed paint colour shall be submitted to and approved by the Planning Authority before any development commences on site.

REASON

To preserve and enhance the Category 'B' Listed Building and in the interest of visual amenity.

4. Notwithstanding the submitted plans the stonework of the house shall not be painted. The proposed wall finish colour to the extension, "County Cream", is not approved and details/samples of a darker stone colour shall be submitted to and approved by the Planning Authority before any development commences on site.

REASON

To preserve and enhance the Category 'B' Listed Building and in the interest of visual amenity.

5. A landscaping scheme, including the treatment of the boundary of the site, shall be submitted to and approved by the Planning Authority prior to the commencement of any development, and shall be implemented not later than the next appropriate planting season after the development has been carried out. The scheme shall include details of the provision to be made for the maintenance of soft and hard landscaped areas, and shall be maintained thereafter in accordance with these details.

REASON

To ensure that adequate provision of open space is provided to an adequate standard and that it is subsequently maintained, in the interest of residential amenity.

6. Notwithstanding the submitted details, parking spaces for 14 cars shall be provided and maintained within the site. These spaces shall be provided prior to occupation of the building.

REASON

In the interest of road safety.

7. The building shall not be occupied until the junction with East Main Street has been widened to allow two-way traffic over the first 10 m, involving the removal of the existing stone pillars. A carriageway width of 5.5 m and 1.0 m service strips either side is required for a shared surface road junction. These works shall be undertaken in accordance with Roads Division Guidelines.

REASON

In the interests of road safety.

8. The building shall not be occupied until Robertson Gardens has been reconstructed to a shared road standard in accordance with Roads Division Guidelines.

REASON

In the interests of road safety.

9. Notwithstanding the plans hereby approved the roof shall be covered in natural slates.

REASON

In the interest of visual amenity and to maintain the visual quality of this Category 'B' listed building.

NOTES:

1. Sustainable Urban Drainage Systems should be employed on the surface water drainage system. The developer should satisfy himself, by site investigation if necessary, that relative levels are such as will allow the development to be connected at a reasonable gradient. With regard to the above issues the developer should contact West of Scotland Water.

2. Roads Construction Consent will be required for improvements to Robertson Gardens and a Roads Opening Permit will also be required for all work on public roads and footways.

TP24KIRKLANDPARKHOUSEFL/YN/FD/5

**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.**

AGENDA