

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 02 APRIL 2004

**03/0965/FL: PROPOSED CONVERSION OF EXISTING NURSING HOME
TO 16 NO. 2 AND 3 BEDROOM FLATS AND THE DEMOLITION OF
OUTBUILDINGS AT NAZARETH HOUSE, 23-25 HILL STREET,
KILMARNOCK BY CARLETON HOUSE LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to convert Nazareth House to 16 no. 2 and 3 bedroom flatted units formed within the existing footprint of the red sandstone building. The scheme can be detailed as follows:-

- 5 flats are to be formed on each of the ground, first and second floors. 2 flats on each floor will be 4 apartment with two bedrooms and a study. All other flats will be two bedroom, 3 apartment units.
- One 'penthouse' style flat will be formed on the third floor which will comprise 2 bedrooms, (one with ensuite), a study, a combined kitchen, dining and living area, bathroom and south facing roof terrace.
- All flats will be accessed from two existing internal stairs with the front and rear elevations comprising the external entrance/exits to the building.
- On the front elevation the existing opaque glazed entrance screens will be removed and the tiled floor, timber doorbell and stained glass will all be retained.
- Internally all mouldings to the ceiling and other features will be retained where possible.
- The stained glass window on the north elevation to the chapel will be retained although the central panel which is of a religious context will be removed and a new panel formed to match the remaining stained glass.
- The rear extensions and outbuildings will all be demolished and an area of car parking formed extending to 27 spaces with a central landscaped area. Of the 27 spaces, 1 space will be dedicated to each unit and 11 visitor spaces.
- Vehicular access will be as per the existing central access point from Hill Street retaining the existing tarmac loop and forming a new roadway leading to the rear car park.

- The existing metal gates will be retained in a locked position and the sandstone boundary wall lowered to 1 metre in height.
- Refuse storage will be to the rear of the building located near the southern boundary.
- All existing trees will be retained unless their removal is required for roadworks or fencing etc.
- The side extension to the southern boundary and the rear elevation will be finished in off white smooth render.
- All windows will be white upvc and access doors to each flat will comprise white coated aluminium.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in Section 5 of this report, the application is considered to be 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 application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6, there are material considerations relevant to this application. The conversion of Nazareth House is proposed in a sympathetic manner removing the bulk and scale of the rear extensions. The existing building is a grand structure and is set in an elevated position which is one of its most attractive features in terms of its setting. The applicant has taken this into account and intends to undertake the scheme retaining as many original features as possible. The scheme will ensure the retention of the building and improve its internal and external fabric. The landscaped grounds to the front will also be retained and enhanced and the residential use of the site will not adversely affect neighbouring residential properties. The Council's Roads Division has not echoed the concerns of the objectors regarding road safety.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control and if that decision was arrived at on the basis of the principle of the development, the

application will require to be referred to the Development Services Committee Policy.

Alan Neish
Head of Planning and 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.

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 02 APRIL 2004

03/0965/FL: PROPOSED CONVERSION OF EXISTING NURSING HOME TO 16 NO. 2 AND 3 BEDROOM FLATS AND THE DEMOLITION OF OUTBUILDINGS AT NAZARETH HOUSE, 23-25 HILL STREET, KILMARNOCK BY CARLETON HOUSE LTD

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for full planning permission which is to be considered by the Local Planning Committee under the scheme of delegation because it is a large scale development of area significance and is the subject of objection.

2. APPLICATION DETAILS

2.1 **Site Description:** This application relates to Nazareth House at Hill Street to the north of Kilmarnock's town centre. The application site extends to 0.625 hectares and currently comprises a commanding traditional red sandstone and slate roofed building set at an elevated level above Hill Street. The building has previously been extended to the south with an extension with large picture windows. The property has also been extended to the rear comprising rendered buildings with slate roofs. The building is no longer in use as a nursing home having being declared surplus to requirements by the Sisters of Nazareth and it is currently being looked after by caretakers.

The existing vehicular entrance is to the front on Hill Street forming a central loop driveway. Vehicular access is also available to the rear from Witch Road. The site is bound at Hill Street by a red sandstone wall and metal gates.

To the north of the site lies ground associated with Nazareth House, which is the subject of a separate outline application for residential development. Beyond this ground to the north lie residential dwellinghouses on Hill Street and two-storey modern residential development on Witch Road. To the east lies single storey sheltered housing on Robert Creighton Place and Wellington Place. To the south is a veterinary surgery at 21 Hill Street and to the west is Hill Street across which is the Diageo factory.

2.2 **Proposed Development:** It is proposed to convert Nazareth House to 16 no. 2 and 3 bedroom flatted units formed within the existing footprint of the red sandstone building. The scheme can be detailed as follows:-

- 5 flats are to be formed on each of the ground, first and second floors. 2 flats on each floor will be 4 apartment with two bedrooms and a study. All other flats will be two bedroom, 3 apartment units.
- One 'penthouse' style flat will be formed on the third floor which will comprise 2 bedrooms, (one with ensuite), a study, a combined kitchen, dining and living area, bathroom and south facing roof terrace.
- All flats will be accessed from two existing internal stairs with the front and rear elevations comprising the external entrance/exits to the building.
- On the front elevation the existing opaque glazed entrance screens will be removed and the tiled floor, timber doorbell and stained glass will all be retained.
- Internally all mouldings to the ceiling and other features will be retained where possible.
- The stained glass window on the north elevation to the chapel will be retained although the central panel which is of a religious context will be removed and a new panel formed to match the remaining stained glass.
- The rear extensions and outbuildings will all be demolished and an area of car parking formed extending to 27 spaces with a central landscaped area. Of the 27 spaces, 1 space will be dedicated to each unit and 11 visitor spaces.
- Vehicular access will be as per the existing central access point from Hill Street retaining the existing tarmac loop and forming a new roadway leading to the rear car park.
- The existing metal gates will be retained in a locked position and the sandstone boundary wall lowered to 1 metre in height.
- Refuse storage will be to the rear of the building located near the southern boundary.
- All existing trees will be retained unless their removal is required for roadworks or fencing etc.
- The side extension to the southern boundary and the rear elevation will be finished in off white smooth render.
- All windows will be white upvc and access doors to each flat will comprise white coated aluminium.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Bonnyton Community Council, The Coal Authority, Transco, East Ayrshire Council Outdoor Amenities have no adverse comments to make regarding the proposed development.

Noted.

3.2 East Ayrshire Council Environmental Health and Waste Management Service have no objection in principle although advise as follows:

- Owing to existing nearby residential properties, any potentially noisy site engineering and construction activities should be restricted to dayshift operation to avoid nuisance complaint
- Site activities should in general be undertaken responsibly to avoid causing nuisance to nearby residents through burning, dust etc
- Suitable accommodation for refuse bins and recycle bins must be provided and their location within the site agreed as generally cleansing vehicles will only utilise publicly accessible roads with an adequate turning provided

Conditions can be attached to any grant of planning consent to meet the requirements of Environmental Health and Waste Management.

3.3 The Health and Safety Executive (HSE) do not advise refusal of the application. The HSE were consulted due to the proximity of the Diageo factory which is a major hazard installation. The HSE recommendation is given because they have taken account of the existing use of the site and this proposal would decrease the numbers of people within the consultation distance of the factory.

Noted.

3.4 Scottish Water have advised early contact with regard to the upgrading of existing water supply. It is also recommended that a SUDS scheme be implemented.

An advisory note can be attached to any grant of planning consent advising early contact with Scottish Water. The implementation of a SUDS system can be controlled by means of a planning condition and notes on any grant of planning consent.

3.5 East Ayrshire Council Roads and Transportation Division have no objections to the revised plans and advise that the applicant will need to present a SUDS drainage system and revised bin storage proposals to take account of the new multi bin system and to position the bin storage away from the internal footway.

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

4. REPRESENTATIONS RECEIVED

4.1 There are five letters of objection to the proposed development and their grounds of objection are as follows:

4.2 The proposed development will have a detrimental effect on the privacy of the residential dwellinghouses on Hill Street and would overlook these properties.

The new residential properties will be formed from within the footprint of the existing building and no new window openings are proposed. The building was previously used as a nursing home and the proposed new use is not considered to have a different impact on the adjacent dwellinghouse in terms of loss of privacy and overlooking.

4.3 The plans do not detail what will happen to the existing mature trees surrounding the site and the impact on wildlife if anything happens to these trees.

The proposed site plan shows the retention of most of the mature trees to the front of the site.

4.4 The proposed new access route will impact on the noise levels and vehicle emission pollution levels on adjacent residential dwellinghouses. The access route does not provide details of pedestrian access (which will impact on security and privacy implications for neighbouring residential dwellinghouses), boundary treatment between the site and neighbouring properties nor do the plans detail how close the access will come to neighbouring properties as this could damage existing buildings and have safety implications.

East Ayrshire Council Roads and Transportation Division have required that the new access road be located centrally within the site. This new access point will also have the least impact on the amenity of neighbouring properties. Access for pedestrians will be from the same access point. It is not considered that the proposed access details are unclear nor will they have adverse safety/amenity/security implications for neighbouring properties.

4.5 The new access route has safety implications due to the busy nature of Hill Street at that point as it can be difficult entering and exiting the existing driveways with the new entrance being directly opposite one of the entrance gates for DIAGEO and the amended plans do not detail what would happen to the existing vehicular access for the property nor do they detail the

relationship between the existing and proposed accesses which bring safety and security implications.

As detailed in Sections 3.5 and 4.4 above, the access has been amended at the request of East Ayrshire Council's Roads and Transportation Division in the interests of road safety. All objectors were given the opportunity to comment on these amendments and the new access will not interfere with any existing access point to the Diageo factory.

4.6 Egress onto Hill Street could mean over 70 vehicles accessing the property within a short period of time and could be seen in a similar light to the recent applications for Kilmarnock Infirmary which were refused on appeal.

Refer to responses at Section 4.5 above.

4.7 The proposed development comprises the demolition of the original Hawket Park for a private parking area. This building and its features should be protected under current guidelines including the stained glass windows and other features of the consecrated and currently used chapel within the building which are of habitable status.

Nazareth House is not a listed building and Historic Scotland have in the past explored listing the property although have declined to do so based upon the many alterations to the building over the years. The applicant has provided an undertaking to retain the glass window within the chapel which has three components.

4.8 The terms and conditions that apply to the Trust that cover the existence and perpetuation of Nazareth House for the purposes intended will be violated if this application is granted. The wishes and interests of the Community and other benevolent individuals whose bequests and gifts were made to support and succour to Nazareth House will be treated improperly.

These are not material planning considerations and are matters which the applicant may require to resolve separately.

4.9 The proposed communal access and independent living arrangements in each flat raises possible fire objections.

This is an issue for Building Control in the consideration of any application for a Building Warrant and is not a material consideration in the determination of this planning application.

4.10 There is no need for a change of use which will result in the loss of elderly bed provisions in addition to training facilities for care workers and the loss of jobs. Nazareth House was operating to full capacity when the seller decided to close the facility. The seller decided to close. The seller has made no serious efforts to seek an alternative option to a change of use and the

closure of the nursing home was caused when the seller de-registered as social care provider and now merely wish to capitalise on the asset to produce funding for essential upgrades elsewhere. When approached to look out such options, it was rejected out of hand. It is considered that the town and community need a top grade nursing care facility more than a questionable conversion into flats.

Each application must be considered on its individual merits and the Committee is asked to assess the application before them. The use of the existing building for residential purposes is considered acceptable in policy terms as discussed in Section 5 of the report.

5. ASSESSMENT AGAINST THE 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 Approved Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan (2003).

Approved Ayrshire Joint Structure Plan

5.2 It is not considered that there are any strategic issues raised by this proposal that would affect the provisions of the Structure Plan.

Adopted East Ayrshire Local Plan (EALP)

5.3 Policy RES 7 of the EALP is relevant and encourages the rehabilitation or conversion of existing traditionally designed and constructed buildings to residential use subject to certain stated criteria. These criteria are as follows:-

- The building must be structurally suitable for the proposed conversion
- The proposal can be implemented whilst retaining to at least eaves level, the existing external walls of the building and any extension limited to 50% of the ground floor area with a minimum of 50% of the external wall area in the completed development being formed from the external walls of the original building
- The development meets the service requirements of all appropriate statutory undertakers and the Roads Authority
- The proposal is fully in keeping with the character and appearance of the area where it is located
- The proposal fully meets the Council's design requirements and reflects the style and design of the original building
- The proposal does not damage the architectural integrity of the building and reuses wherever possible any existing traditional building materials found on site

The building appears from visual inspection to be in reasonably good condition. No major extensions or alterations are proposed and the applicant is intending to demolish existing rear extensions and outbuildings. As detailed in Section 3 of this report, no objections have been received from the statutory undertakers or from the Council's Roads and Transportation Division.

It is further considered that the proposal is in keeping with the character and appearance of the surrounding area and meets the provisions of the Council's Design Guidance. Whilst the building is unlisted, it is of traditional stone and slate construction and the applicant proposes to retain and enhance original features wherever possible. The fenestration arrangement on the southern extension will be amended to reflect the more traditional glazing arrangement of the original building.

In light of the above, it is considered that the proposal complies fully with the provisions of policy RES7.

5.4 Policy RES 22 is also relevant and requires all developers to observe the minimum standards for the provision of private open space. The policy requires 25m² per bedroom although further advises that standards can be relaxed in respect of the conversion of existing properties to flats where appropriate.

It is difficult to achieve a layout of private open space in accordance with the local plan owing to the site layout and levels. There is however almost 2500m² of open space to the front of the building which provides valuable amenity ground and also contributes to the amenity, character and setting of the building. Landscaped areas are provided to the rear of the building and these areas together with the front open space will provide adequate amenity space for the proposed flats.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultation responses and objections received detailed in Section 3 and 4 of this report and the planning history of the site.

Consultation Responses and Letters of Representation

6.2 It is not considered that there are any aspects of the consultation replies or the letters of objection received which would indicate that the application should be refused. The Roads Division has not echoed the concerns of the objectors regarding road safety.

Planning History

6.3 Application No. 03/0962/OL: Proposed Residential Development at Ground Adjoining Nazareth House, Hill Street, Kilmarnock. This is an outline application for residential development within the ground surrounding Nazareth House. This application is also before the Committee for determination.

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 this report, the application is considered to be 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 application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6, there are material considerations relevant to this application. The conversion of Nazareth House is proposed in a sympathetic manner removing the bulk and scale of the rear extensions. The existing building is a grand structure and is set in an elevated position which is one of its most attractive features in terms of its setting. The applicant has taken this into account and intends to undertake the scheme retaining as many original features as possible. The scheme will ensure the retention of the building and improve its internal and external fabric. The landscaped grounds to the front will also be retained and enhanced and the residential use of the site will not adversely affect neighbouring residential properties. The Council's Roads Division has not echoed the concerns of the objectors regarding road safety.

9. RECOMMENDATION

9.1 It is recommended that the application should 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 and Building Control and if that decision was arrived at on the basis of the principle of the development, the application will require to be referred to the Development Services Committee Policy.

Alan Neish
Head of Planning and Building Control

24 March 2004 (FMF/SA)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form/Plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Letters of Representation
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Planning Application No. 03/0962/OL

Anyone wishing to inspect the above papers please contact Fiona Finlay on (01563) 576768.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0965/FL

Site of Proposal:	Nazareth House, 23-25 Hill Street KILMARNOCK KA3 1HA
Nature of Proposal:	Proposed Conversion of Existing Nursing Home to 16 No. 2 and 3 Bedroom Flats and the Demolition of Outbuildings
Name & Address of Applicant:	Carleton House Ltd 11 Grange Place KILMARNOCK KA1 2AB
Name & Address of Agent:	W I Munro Chartered Architects 1 Seaford Street KILMARNOCK KA1 2BZ

DPOs Reference: FMF/SA

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 3 November 2003 and plans of 14 October 2003 and 9 February 2004 and amended plans received 9 February 2004 and the letter from W I Munro, Chartered Architects dated 18 December 2003.

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

2. Notwithstanding the approved block plan, the location of bin stores within the application site is not approved. Prior to any works commencing on site, the developer shall submit two copies of a location of the bin stores which shall include provision for the storage needs of a 3 bin recycling system. These details shall be approved by the Planning Authority and implemented prior to the occupation of any flats on site.

REASON In order to ensure that adequate refuse storage provision exists and that the bin stores within the application site are located so as to be accessible to the Council's refuse vehicles for the uplifting of refuse.

3. All of the car parking spaces shown on the site plan approved under the terms of Condition No. 1, shall be formed prior to the occupation of any of the flatted dwellinghouses to which this permission relates.

REASON To ensure that the required car parking facilities exist within the site in order to discourage residents car parking on the public road.

4. Prior to the commencement of works on site, details and samples of the existing and proposed windows including specifications of the thickness of horizontal glazing bars, the method of opening and hinge-points, shall be submitted to and approved in writing by the Planning Authority and implemented as approved.

REASON In order to ensure that the design, finish and method of opening of all proposed windows are appropriate to the age and character of the building.

5. Prior to any work commencing on site, a landscaping scheme shall be submitted to and approved by the Planning Authority and shall include the following details:-

- a) An indication of all existing trees plus details of those to be retained and measures for their protection in the course of development;
- b) Details and specification of all trees, shrubs, grass mix etc to be planted;
- c) Details of any top-soiling or other treatment to the ground;
- d) Sections and other necessary details of any mounding, earthworks and hard landscaping;
- e) Details for the proposed future maintenance of these works; and
- f) Details of the timing of implementation and completion of the landscaping scheme.

REASON To ensure that the landscaping complements proposed planting and maintains the landscape quality of the area.

6. Prior to any work commencing on site, details of the design of the replacement central panel for the existing stained glass window for the first floor flat to be formed in the existing chapel should be submitted to and approved in writing by the Planning Authority and thereafter implemented on site as approved prior to the occupation of that flat.

REASON In the interests of the amenity and character of the building.

7. Prior to any work commencing on site, details and samples of all external finishes (including colours) shall be submitted to and approved in writing by the Planning Authority and thereafter implemented as approved on site.

REASON In the interests of visual amenity.

8. Prior to any work commencing on site, a Schedule of Repairs for the existing sandstone building (including plans for stone cleaning) shall be submitted to and approved in writing by the Planning Authority and thereafter implemented as approved prior to the occupation of the first flat.

REASON In the interests of amenity and protection of the stonework.

9. Prior to any work commencing on site, details of any fences, walls or other means of enclosure not shown on the approved plans detailed in Condition 1 above shall be submitted to and approved in writing by the Planning Authority and thereafter implemented as approved.

REASON In the interests of visual amenity.

10. The only vehicular access to the approved residential development shall be from Hill Street and the secondary access from Witch Road shall be closed prior to the first flatted dwellinghouse hereby approved being occupied. Details of the measures taken to close this secondary access shall be submitted to and approved by the Planning Authority prior to the commencement of development on site.

REASON In the interests of road safety.

11. Notwithstanding the submitted plans, details of the final treatment and height of the red Sandstone wall adjacent to Hill Street shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented on site prior to the occupation of any flats approved under this consent.

REASON In the interests of road safety and visual amenity.

12. 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 occupation of any flats.

REASON To ensure that adequate drainage is provided.

13. During construction, 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 interest of public and road safety and residential amenity.

14. The development hereby approved shall be undertaken without detriment to neighbouring residential properties by virtue of noise, dirt or general disturbance.

REASON In the interests of amenity and to prevent such established amenity being adversely affected.

15. No construction work, site clearance or preparation works external to a building 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.

16. Notwithstanding the approved plans, no trees within the application site shall be lopped, topped or felled without the prior written consent of the Planning Authority and prior to any work commencing on site, details of all trees to be felled and retained shall be submitted to and approved in writing by the Planning Authority.

REASON In the interests of the visual amenity of the surrounding area.

17. Notwithstanding the approved plans, details of the treatment of the rear elevation of the red sandstone building following the demolition of the rear extensions shall be submitted to and approved by the Planning Authority and implemented prior to occupation of any flats approved under this consent.

REASON In the interests of the visual amenity of the building.

18. Notwithstanding the submitted plans, details of the surface treatment of the new access road from Hill Street and any lighting columns to be erected shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented on site prior to the occupation of any flats approved under this consent.

REASON In the interests of residential and visual amenity.

NOTES

1. Early contact is recommended with Scottish Water at 35 Glenburn Road, Prestwick regarding connecting to the public sewerage system.

2. The Developer is advised to make early contact with Transco on 0141 418 4093 prior to starting works on site and take any required action to satisfy Transco.

3. 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.

4. 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. That Authority require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

5. 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.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
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PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**