

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 07 MAY 2004**

**03/0962/OL: PROPOSED RESIDENTIAL DEVELOPMENT  
AT GROUND ADJOINING NAZARETH HOUSE, 23-25 HILL STREET,  
KILMARNOCK  
BY CARLETON HOUSE LTD**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Outline planning permission is sought to develop the site for residential purposes. The applicant has submitted indicative details regarding layout and design of the proposed development. Vehicular access into the site would be solely from Hill Street sweeping round the front of Nazareth House and access continuing to the north elevation leading round to an internal access road to the rear and a car park. The existing access point would be shared with the residential development for the Nazareth House building which is the subject of a separate application that is also to be considered by this Committee (as detailed in 6.3 of this report). Indicative details show 28 units in 2 'L' shaped terraced rows comprising flats. The applicant has advised that he aims to achieve a high quality development in a contemporary Scottish vernacular style with appropriate design features over communal entrances and at the ends of either of the two terraced blocks. The design will seek, where appropriate, to break up the roofline and achieve staggered elevations.

The applicant has further advised that overall he requires to remove and replace some 31 trees (between both sites) although he intends to retain 42 trees with a further 13 trees being planted. The trees are primarily to be removed to allow for the new road and the car parking area. A new comprehensive landscaping scheme is proposed as part of the overall development of the site.

**2. RECOMMENDATION**

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

### **3. CONCLUSIONS**

3.1 As indicated at Section 5 of this report, the application is considered to be in accordance with the Adopted Local Plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

3.2 As is indicated at Section 6 of the report, there are material considerations relevant to this application. The proposal is acceptable in principle and it is not considered that the use of the site for residential purposes will detrimentally affect neighbouring properties. At the reserved matters stage, detailed consideration will be necessary to ensure a development which does not affect the setting of Nazareth House and adjacent properties such as those of single storey height to the east of the site. The applicant has submitted supporting information indicating the style of development proposed which he considers will be complementary to the various surrounding properties. As this information is purely indicative, it is recommended that conditions be attached to any grant of outline planning approval to guide the applicant regarding an appropriate form of development.

#### **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, the application will not require to be referred to the Development Services Committee as there would be no significant 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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### 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 an application for outline 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 objections.

1.2 The application was continued at the Central Local Planning Committee on 02 April 2004.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** This application relates to ground adjoining Nazareth House at Hill Street to the north of Kilmarnock's town centre. The application site extends to 0.6 hectares and currently comprises landscaped grounds that are part of Nazareth House to the rear of the property. The site 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 caretaker Nuns.

The existing vehicular entrance is to the front on Hill Street forming a central loop driveway. Vehicular access is also currently 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 residential property on Witch Road. To the east lies single storey sheltered housing on Robert Creighton Place and Wellington Place and to the south is a veterinary surgery at 21 Hill Street to the west is Nazareth House and Hill Street beyond which is the Diageo factory.

2.2 **Proposed Development:** Outline planning permission is sought to develop the site for residential purposes. The applicant has submitted indicative details regarding layout and design of the proposed development. Vehicular access into the site would be solely from Hill Street sweeping round the front of Nazareth House and access continuing to the north elevations leading round to an internal access road to the rear and a car park. The existing access

point would be shared with the residential development for the Nazareth House building which is the subject of a separate application that is also to be considered by this Committee (as detailed in 6.3 of this report). Indicative details show 28 units in 2 'L' shaped terraced rows comprising flats. The applicant has advised that he aims to achieve a high quality development in a contemporary Scottish vernacular style with appropriate design features over communal entrances and at the ends of either of the two terraced blocks. The design will seek, where appropriate, to break up the roofline and achieve staggered elevations.

The applicant has further advised that overall he requires to remove and replace some 31 trees (between both sites) although he intends to retain 42 trees with a further 13 trees being planted. The trees are primarily to be removed to allow for the new road and the car parking area. A new comprehensive landscaping scheme is proposed as part of the overall development of the site.

### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 The Coal Authority, Transco, Bonnyton Community Council and East Ayrshire Council Outdoor Amenities have no adverse comments 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

***It is considered that the above comments can be addressed by attaching conditions to any grant of planning consent.***

3.3 The Health and Safety Executive does not advise on safety grounds, against the granting of planning permission.

***Noted.***

3.4 East Ayrshire Council Roads and Transportation Division advise that they have no objections to the amended plans although the applicant has not provided details of a SUDS scheme in terms of design and ongoing maintenance and that the bin store provision would appear to be inaccurate.

***Conditions can be attached to any consent to meet the requirements of the Roads Division. The amended plans show the intention to utilise the existing access at Hill Street, which will be widened, closing the secondary access at Witch Road. This is considered to be necessary in terms of road and traffic safety and the new access has been re-located from the original proposal. It is also considered necessary to site car parking to be located to the rear of the building in visual amenity terms in order to preserve the character and setting of the red sandstone building. The road is acceptable on this basis and traverses the site in a form to retain the landscaped ground to the front.***

3.5 Scottish Water objects to the application whereby the proposed development drains to the public sewerage system. This is due to the cost of providing infrastructure to serve the development being outwith Scottish Water's "reasonable cost" obligations in terms of the Sewerage (Scotland) Act 1965. Scottish Water would remove its objections if the applicant:-

- a) bears the cost of the increase of Scottish Water's existing infrastructure to accommodate their development and/or
- b) provides a scheme that does not compromise the quality and quantity of discharge from the existing sewerage system and which is in terms satisfactory to Scottish Water.

***It is recommended that a condition be attached to any grant of planning consent requiring the applicant to upgrade the existing infrastructure to the satisfaction of Scottish Water before development commences on site.***

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

***Noted.***

## **4. REPRESENTATIONS**

4.1 Five letters of objection have been received including one from Scottish Water which has been addressed in Section 3.6 of this report. Their grounds of objection comprise the following points:-

4.2 The proposed development would have a detrimental effect on their privacy, and would overlook and overshadow adjacent residential property on Hill Street. It would also be oppressive and have a detrimentally visually intrusive impact on adjacent residential property.

***The residential development is in outline and the applicant is seeking approval in principle only. Details have been submitted regarding the design and layout of the proposed development. The applicant is seeking approval for the footprint of the development, access arrangements and height of the development at this stage. The specific final design, height and layout of the development would be submitted at the reserved matters stage. The proposed development could be designed to reduce its impact on adjacent residential properties in terms of loss of privacy, overlooking and overshadowing. The indicative plans show no building within 20 metres of the rear garden boundaries of the properties of Hill Street.***

4.3 The plans do not detail what would happen to the current vehicular access at Witch Road. This is the access between sheltered housing complexes which has safety implications and could increase pollution from noise and fumes detrimentally affecting residents' health.

***Discussions with the Council's Roads Division have resulted in a requirement to close the existing access onto Witch Road and the indicative layout reflects this. A condition requiring the closure of this access road can be attached to any grant of planning consent.***

4.4 The plans do not state what will happen to the existing mature trees surrounding the site and the impact on the current varied wildlife if anything happens to these trees.

***Some of the existing trees within the site would be required to be removed as a result of the proposed development although none of the trees/shrubs are subject to Tree Preservation Orders. The applicant would be required to provide compensatory tree planting. The trees at the boundary of Hill Street are not located within this application site.***

4.5 The plans do not detail pedestrian access and the privacy and security implications.

***The proposed layout plan shows that pedestrian and vehicular access would be shared from Hill Street and further details in this respect would be lodged as reserved matters should outline planning permission be granted.***

4.6 The plans do not detail the proposed landscaping nor boundary structures to be put in place in the flats and the rear of properties on Hill Street to allow the security implications to be taken into account.

***These details would be addressed at the reserved matters stage.***

4.7 The plans do not detail how close the proposed access would be to the properties on Hill Street with possible damage resulting to these properties.

***The site layout plan details the proposal to use and upgrade the existing access point which is some 26 metres from the nearest property at 27 Hill Street. Owing to the existing site layout and levels the access sweeps round closer to the site boundary with No. 27. In the event that there was any damage to the objectors property this would be a legal matter for resolution between the developer and the objector.***

4.8 The plans show the height of the flats being 2½ storeys but do not provide specific details to allow full consideration of the impact on neighbouring residential properties as storeys can vary greatly in height.

***The plans submitted are indicative. Details of the final height of the development will be submitted at the reserved matters stage. Adjacent properties will be notified of these details and will have an opportunity to submit comments on these details at that stage.***

4.9 The proposals are contrary to the Council's Design Guidance relating to Listed Buildings and Conservation Areas which states that the Council will not accept planning applications for development within the Conservation Area or that affects a Listed Building or its setting.

***Nazareth House is not a Listed Building nor is it located within a Conservation Area.***

## **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 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 4 is relevant in the consideration of this application and states that within settlement boundaries the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites not specifically safeguarded or identified for particular development purposes on the Local Plan map. Developments will be assessed against the following criteria:-

- impact on the surrounding natural and built environment and adjacent uses;
- transportation and infrastructure implications;
- compatibility with surrounding densities and housing types;
- compliance with the Council's Development Promotion and Design Guidance.

***The residential development is acceptable in principle and will be compatible with surrounding uses. The majority of adjacent housing is single storey in height and indicative information from the applicant states that a two and a half storey development is being considered. The site slopes upwards in a westerly direction towards the four storey Nazareth House and it is considered that a development of varying height up to 2½ storeys could be appropriate although this will be dependent upon the final design.***

***In general, satisfactory consultation responses have been received from the statutory undertakers including the Roads Division. The comments of Scottish Water can be addressed by condition. The application, if granted outline planning permission, would be assessed in detail against the Council's Design Guidance at the reserved matters stage. It is recommended that a condition be incorporated that will provide guidance to the applicant regarding the design, height and layout of an acceptable form of residential development on site.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

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

### **6.2 Consultation Responses and Representations Received**

None of the consultees have raised any negative issues, which would materially affect the determination of this application. The concerns of Scottish Water can be addressed by a condition, which the applicant would require to satisfy before any work commences on site. The concerns of the objectors can be addressed at the reserved matters stage by the careful siting and design of the proposed development.

### **6.3 Planning History**

Application 03/0965/FL: Proposed Conversion of Existing Nursing Home to 16 two and three bedroom flats and the demolition of outbuildings at Nazareth House, Hill Street, Kilmarnock. This application is also before this 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 at Section 5 of this report, the application is considered to be in accordance with the Adopted Local Plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

8.2 As is indicated at Section 6 of the report, there are material considerations relevant to this application. The proposal is acceptable in principle and it is not considered that the use of the site for residential purposes will detrimentally affect neighbouring properties. At the reserved matters stage, detailed consideration will be necessary to ensure a development which does not affect the setting of Nazareth House and adjacent properties such as those of single storey height to the east of the site. The applicant has submitted supporting information indicating the style of development proposed which he considers will be complementary to the various surrounding properties. As this information is

purely indicative, it is recommended that conditions be attached to any grant of outline planning approval to guide the applicant regarding an appropriate form of development.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions indicated 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, Development and Building Standards, the application will not require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

**Alan Neish**  
**Head of Planning and Building Control**

28 March 2004  
(FMF/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Consultation Responses.
3. Statutory Notices/Certificates.
4. Representations.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Application No: 03/0965/FL – Nazareth House, Hill Street, Kilmarnock.

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

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

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

03/0962/OL

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Site of Proposal:	Ground Adjoining Nazareth House 23-25 Hill Street KILMARNOCK
Nature of Proposal:	Proposed Residential Development
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

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DPOs Reference: FMF/MMM

The above OUTLINE 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 03 November 2003, the amended plans received by the Planning Authority on 09 February 2004 and the "site plan showing new trees" and the "site plan showing trees" both received 20 April 2004.

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

2. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the under mentioned matters hereby reserved:-

- (i) The layout of the site;
- (ii) The size, height, design and external appearance of the proposed residential properties including bin enclosures;
- (iii) The means of drainage and sewage disposal;

- (iv) Details of the vehicular and pedestrian access arrangements;
- (v) The provision for car parking for residents and visitors;
- (vi) Any boundary walls/fences to be erected including treatment to the existing boundary walls within the application site;
- (vii) Existing site levels and proposed finished site levels and floor levels;
- (viii) The landscaping of the site and associated maintenance scheme.
- (ix) The provision for open space and associated maintenance arrangements.

REASON The approval is in outline only.

3. Notwithstanding the terms of Condition 1 above, the proposed site plan (ref. 2570 SP2) is for indicative information purposes only and does not permit a maximum number of units and shall not be treated as forming part of the issued planning permission with the exception of the proposed vehicle access and egress at Hill Street and the general footprint layout for the residential flatted units and central hard landscaped area forming an 'L' shaped development.

REASON The approval is in outline only.

4. The details to be submitted under the terms of Condition 2(ii) shall provide for a residential development of maximum 2 ½ storeys in height whose form and layout introduces variance in heights ranging between single storey and 2 ½ storey. The development shall feature staggered elevations such as to introduce visual interest into the proposal.

REASON In order to ensure a high standard of development and to ensure that the development is compatible with and has no adverse effect on the amenity and setting of adjacent residential sheltered housing properties to the site.

5. 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 the units.

REASON To ensure that adequate drainage is provided.

6. 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 interests of public and road safety and residential amenity.

7. The details to be submitted under Condition 2 above shall present a development of the highest standard in terms of design. They shall reflect the character of the existing building within the site and the character of adjoining single storey dwellinghouses and shall provide a design which integrates well into the surrounding area, in terms of height, scale, choice of materials and colour, and shall provide both functional and physical linkage between the new buildings and existing development. The height of the proposed building shall further take into account and be compatible with the height of adjacent buildings, the configuration of adjoining roof surfaces and the impact of the proposal on the skyline and the adjoining properties at Nazareth House, Robert Creighton Place and Wellington Place.

REASON To ensure that the development does not conflict with its surroundings in the interests of the visual amenity, character and appearance of the adjacent existing buildings.

8. Details to be submitted under Condition 2 (i) and (ii) shall ensure that the residential layout takes cognisance of the storage needs of a 3 bin recycling system.

REASON To ensure that adequate waste storage and disposal facilities exist in the interests of the amenity of the area and Council Waste Management policies.

9. The details to be submitted under Condition 2 above, shall ensure the permanent closure of the existing vehicular access from Witch Road and shall include details of the means of closure for the prior written approval of the Planning Authority.

REASON In the interests of public and road safety.

10. No work shall commence on site until such time as the applicant has provided the Planning Authority with written confirmation from Scottish Water that the existing sewerage system is capable of accommodating the connection of this approved development.

REASON To ensure that adequate drainage is provided.

11. No construction work, site clearance or preparation works 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.

12. 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 as approved prior to the occupation of any dwellings approved under this consent.

REASON In the interests of residential and visual amenity.

13. 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 dwellings approved under this consent.

REASON In the interests of road safety and visual amenity.

14. The landscaping details to be submitted further to Condition 2 above shall allow for dense and varied planting in the landscaped area located between the central car parking areas.

REASON In the interests of visual amenity.

15. Notwithstanding the plans approved under the terms of Condition 1 above, no trees 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.

#### NOTES:-

1. The developer shall make early contact with Scottish Water and the Scottish Environment Protection Agency to confirm their request to utilise a Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
2. 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.

3. The applicant is advised to make early contact with Transco and Scottish Power to discuss how their equipment in the surrounding area could be affected by this development.
4. 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. In the interests of public safety.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**