

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 12 NOVEMBER 2004

**04/0968/RM: PROPOSED RESIDENTIAL DEVELOPMENT FOR 30 FLATS
AT GROUND ADJOINING NAZARETH HOUSE,
23-25 HILL STREET, KILMARNOCK
BY CARLETON HOUSE LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Reserved Matters consent is sought to develop the site for 30 flatted dwellinghouses. Outline planning permission was granted on 07 May 2004 for residential development on the application site.

1.2 Vehicular access into the site remains as proposed from Hill Street sweeping round the front of Nazareth House with the access continuing by the north elevation leading round to an internal access road to the rear and a car park serving both the conversion of Nazareth House and the proposed development. The existing access point to Witch Road will be closed prior to the occupation of any of the flats. Car parking comprising a total of 78 spaces (including 10 disabled spaces) will also be provided to the rear of Nazareth House at Hill Street and bin stores will be strategically located within the new car park area.

1.3 The residential development will be laid out in two terraced rows forming an 'L' shape and comprising flats of 2 bedroom accommodation. The applicant has advised that he aims to create a high quality development in the contemporary Scottish vernacular style. The flats will comprise 2 and 2½ storey buildings with vertical emphasis windows and window bands, wrought iron balustrading at windows and box dormer features with flat roof porch features at all entrances. The buildings will be stepped in height to reflect ground levels within the site which rise from the eastern boundary towards Nazareth House.

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 and they are supportive of the proposal. The principle of the use of the site for residential development has been established through the granting of the outline consent. The details submitted at reserved matters stage are satisfactory and will not adversely affect the setting of Nazareth House or the adjacent properties to the east of the site which are single storey in height. It is considered that the majority of conditions that would require to be attached to any such consent are already in place through the outline consent and need not be repeated with this approval. The proposed development will be complementary to the surrounding properties.

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.

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 12 NOVEMBER 2004

**04/0968/RM: PROPOSED RESIDENTIAL DEVELOPMENT FOR 30 FLATS
AT GROUND ADJOINING NAZARETH HOUSE,
23-25 HILL STREET, KILMARNOCK
BY CARLETON HOUSE LTD**

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 reserved matters application which is to be considered by the Local Planning Committee under the scheme of delegation because it is a development of area significance.

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. Nazareth House is currently undergoing conversion to 16 flats.

The existing vehicular entrance is to the front from 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:** Reserved Matters consent is sought to develop the site for 30 flatted dwellinghouses. Outline planning permission was granted on 07 May 2004 for residential development on the application site.

2.3 Vehicular access into the site remains as proposed from Hill Street sweeping round the front of Nazareth House with the access continuing by the north elevation leading round to an internal access road to the rear and a car park serving both the conversion of Nazareth House and the proposed

development. The existing access point to Witch Road will be closed prior to the occupation of any of the flats. Car parking comprising a total of 78 spaces (including 10 disabled spaces) will also be provided to the rear of Nazareth House at Hill Street and bin stores will be strategically located within the new car park area.

2.4 The residential development will be laid out in two terraced rows forming an 'L' shape and comprising flats of 2 bedroom accommodation. The applicant has advised that he aims to create a high quality development in the contemporary Scottish vernacular style. The flats will comprise 2 and 2½ storey buildings with vertical emphasis windows and window bands, wrought iron balustrading at windows and box dormer features with flat roof porch features at all entrances. The buildings will be stepped in height to reflect ground levels within the site which rise from the eastern boundary towards Nazareth House.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Transco, the North West Community Council and the Health and Safety Executive have no objections to the proposed development.

Noted.

3.2 East Ayrshire Council's Environmental Health and Waste Management Section have no objections to make although advise that the proposed development should incorporate sufficient accommodation for the siting of re-cycling bins in accordance with the Council's waste re-cycling and minimisation policy.

The applicant has discussed the matter with the Cleansing Service and proposes to provide sufficient refuse bins. There is no requirement to provide garden bins as the communal landscaping will be maintained by a factor. The provision of appropriate refuse bins in suitable locations and to an appropriate extent can be controlled by condition should planning permission be granted.

3.3 East Ayrshire Council's Outdoor Services Division have not replied to their consultation letter at the time of writing this report.

Noted.

3.4 East Ayrshire Council's Roads and Transportation Division advise that sufficient refuse collection and storage points must be provided to accommodate the multiple bin system being implemented by the Council and considers the numbers proposed too few for the level of proposed flats. They also require the

provision of details regarding the disposal of surface water in terms of design and the maintenance responsibility.

Members are referred to the comments of Environmental Health in Section 3.2 of this report and are also advised that the applicant is seeking to use the larger 1280 litre bins to reduce the overall number of bins within the site and hence numbers of bin stores which will ensure a more visually acceptable development.

Surface water disposal and SUDS have already been conditioned under the outline planning permission and if consent is granted for this application, such conditions remain to be purified. The details would require to be submitted for written approval and then provided on site prior to the occupation of the first property.

4. REPRESENTATIONS

4.1 No letters of representation have been received.

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 (AJSP) (1999) and the Adopted East Ayrshire Local Plan (EALP) (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.

East Ayrshire Local Plan

5.3 The principle of residential development on this site has been established with the approval of the outline consent no. 03/0962/OL and therefore it is not necessary to assess the principle of this residential development application against the policies of the EALP.

5.4 Policies RES 19 and RES 22 are relevant and seek to ensure appropriate provision of public and private open space. Public open space should be provided at 300 sq m per 10 houses and private open space at 25 sq m per bedroom.

Based on the number of houses, 900 square metres of public open space should be provided and 1575 sq m of private open space. There are no areas of private open space as all landscape grounds are communal with the exception of small rear patio areas. A total of 2715 square metres of landscaped grounds to the rear is being provided within the site together with the extensive area of front garden ground onto Hill Street which although outwith the application site is part of the ground associated with the proposals to convert the existing Nazareth House by the same developer. Residents of the present application will also have access to the front garden.

5.5 Policy ENV 7 states that proposed developments must comply with East Ayrshire Council's Design Guidance to ensure a development that is complementary to and harmonious with surrounding development in terms of design, scale, layout, massing and materials.

It is considered that the proposal complies with Policy ENV 7 and the Council's Design Guidance. The proposed development has been limited in size and scale and its design takes account of the site circumstances and height from the single storey residential houses at Robert Creighton Place and Wellington Street and balances with the more substantial Nazareth House. The design is simple and reflects traditional Scottish architecture with a more modern, contemporary aspect. The use of colour would be advantageous to blending in the development to the surrounding area and providing a link to Nazareth House which is of finished red sandstone and the adjacent sheltered housing which is more neutral and natural tones. It is recommended that to ensure the use of colour and add some interest into the scheme, conditions be attached if planning permission is granted.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultation Responses

6.2 None of the consultees have raised any negative issues, which would materially affect the determination of this application. Any issues raised can be adequately addressed by conditions if planning permission is granted.

Planning History

6.3 Application No. 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 was granted planning permission by the Central Local Planning Committee on 07 May 2004 and is being implemented on site.

6.4 Application No. 03/0762/OL for the residential development of this site was granted outline planning permission by the Central Local Planning Committee on 07 May 2004 subject to conditions. Indicative proposals showed 28 flats.

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 and they are supportive of the proposal. The principle of the use of the site for residential development has been established through the granting of the outline consent. The details submitted at reserved matters stage are satisfactory and will not adversely affect the setting of Nazareth House or the adjacent properties to the east of the site which are single storey in height. It is considered that the majority of conditions that would require to be attached to any such consent are already in place through the outline consent and need not be repeated with this approval. The proposed development will be complementary to the surrounding properties.

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, Development and Building Standards

03 November 2004
(FMF/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Consultation Responses.
3. Statutory Notices/Certificates.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
7. Application No: 03/0965/FL - Nazareth House, Hill Street, Kilmarnock.
Application No:03/0962/OL - Nazareth House, Hill Street, Kilmarnock.

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

Implementation Officer: Dave Morris

040968RM

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0968/RM

Site of Proposal:	Ground Adjoining Nazareth House 23-25 Hill Street KILMARNOCK
Nature of Proposal:	Proposed Residential Development for 32 No. Flats
Name & Address of Applicant:	Carleton House Ltd 11 Grange Place KILMARNOCK KA1 2AB
Name & Address of Agent:	Munro Architects 23 Portland Road KILMARNOCK KA1 2BT

DPOs Reference: FMF/MMM

The above RESERVED MATTERS 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 13 October 2004 and the amended plans: location plan, proposed Block A elevations, block A ground and first floor layout all received by the Planning Authority on 13 September 2004, proposed site sections, site plan as proposed, proposed block B elevations, block B ground, first and second floor layout received on 29 October 2004.

REASON To ensure that 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 re-cycling system. These

details shall be approved by the Planning Authority and implemented as approved 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. A landscaping scheme to include the treatment of the boundary of the site/areas for public open space and car parking area shall be submitted to and approved by the Planning Authority prior to the commencement of any development on site and shall be implemented not later than the next appropriate planting season. Any trees removed without consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees of similar size or species as may be agreed in writing with the Planning Authority. The landscaping scheme shall include the retention of as many of the existing trees on site as feasible.

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

5. The landscaping/open space relating to this development as part of Condition 4 above shall be laid out simultaneously with the development and implemented prior to the occupation of any flats to which the landscaping area relates and shall be maintained thereafter in accordance with a maintenance scheme to be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented as approved.

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

6. 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.

7. Prior to any work commencing on site, details and samples of all external finishes for the new buildings and ground surfaces within the site shall be

submitted to and approved in writing by the Planning Authority and thereafter shall be implemented as approved on site.

REASON In the interests of visual amenity.

8. The details to be submitted under the terms of Condition 7 shall include a detailed colour scheme for the elevations of the buildings to be approved in writing by the Planning Authority. The scheme shall include a range of colours that shall provide interest and variety to the proposed development and shall reflect the external colours of the existing Nazareth House and surrounding buildings.

REASON In the interests of visual amenity.

9. This consent is granted for 30 dwellings only and the internal layout of each flat shall be laid out in accordance with the approved floor plans.

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

**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.**