EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission is sought for 13 ‘assisted living’ residential units and a staff base, after the demolition of Witchhill School. The building is a two storey structure set out as a V-shape running parallel to Hill Street and Witch Road with a corner feature, finished in blue engineering brick with a flat roof section. External materials comprise white render, blue engineering brick feature walls/basecourse, and timber effect cladding panels. The roof will comprise a mono-pitch finished in zinc. The internal elevation into the courtyard will incorporate substantial glazed elevations. Windows and door frames will be finished in a dark grey colour.

2. RECOMMENDATION

2.1 It is recommended that this application for planning permission be approved subject to the conditions listed on the attached sheet.

3. CONCLUSIONS

3.1 The Town and Country Planning (Scotland) Act 1997 as amended requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. As indicated in Section 5 of the report the application is consistent with the provisions of the Development Plan.
3.2 As indicated in Section 6 of the report there are material considerations relevant to this application, but in this instance, it is considered that the material considerations are not such as to indicate that the proposal would be unacceptable.

3.3 The proposed development can be satisfactorily accommodated within the application site. The design and external finish will be appropriate to this mainly residential area. The proposed residential accommodation will be two storey in height and can be accommodated without resulting in overlooking or loss of amenity to the adjoining properties or surrounding area in general. The proposed development has not received any objections through the consultation or representation processes and is considered to be appropriate.

3.4 The principle of the proposal is also in accordance with the Council’s Transformation Strategy 2012-17, which sets out the three key strategic priorities around which the Council's strategic direction should be focused in order to deliver services within the constraints of the current financial climate. One of the key actions of this initiative includes encouraging investment and building new houses in and around town centres. The proposal fully accords with the principles set out in Council’s Transformation Strategy.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development in terms of the principle of the proposed development, then the application will not require to be referred to Council as it would not represent a significant departure from Council policy.

Alan Neish
Head of Planning and Economic Development

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.
1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission to be considered by the Planning Committee under the scheme of delegation as the Council is the applicant.

2. APPLICATION DETAILS

2.1 Site Description: The application site is located close to the town centre of Kilmarnock at the junction of Witch Road and Hill Street, Kilmarnock. The site currently comprises Witchhill School which is due to relocate to the new educational facility at Grassyards Road. The site is bound by Witch Road, beyond which are residential flatted properties to the north, and detached residential properties to the south. To the east is sheltered housing accommodation and to the west is Hill Street beyond which is the Diageo industrial site which is currently undergoing demolition for redevelopment and the religious education centre at the former Hillhead Tavern.

2.2 Proposed Development: Planning permission is sought for 13 ‘assisted living’ residential units and a staff base, after the demolition of Witchhill School. The building is a two storey structure set out as a V-shape running parallel to Hill Street and Witch Road with a corner feature, finished in blue engineering brick with a flat roof section. External materials comprise white render, blue engineering brick feature walls/basecourse, and timber effect cladding panels. The roof will comprise a mono-pitch finished in zinc. The internal elevation into the courtyard will incorporate substantial glazed elevations. Windows and door frames will be finished in a dark grey colour.

2.3 The site access would be taken from Witch Road via a shared surface accessed road. 11 car parking spaces will be provided in addition to 3 accessible parking spaces. Gardens facing along Hill Street, Witch Road and within the internal courtyard will be landscaped and there will be an area provided for bin storage and a separate area for use as a drying green.

2.4 Each individual accommodation unit will comprise a living room, bedroom, kitchen, bathroom, hallway and storage areas. The staff welfare
unit will be located closest to the site entrance and will comprise a kitchen/dining area, and two offices and bathroom. There will be 6 flats on the ground floor including the staff base and 7 flats on the upper floor.

2.5 The applicants have advised that these residential properties promote independent living and provide a degree of reassurance for residents should they require any particular assistance with their day to day circumstances with staff on-site and based within the staff office base.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The East Ayrshire Access Panel initially provided comments seeking amendments on the width of internal pathways, the location of the accessible parking bays and the provision of a drying green in close proximity to the main building. Comments on the internal layout were also provided to the applicant’s agent. Following the receipt of amended plans and direct discussion with the applicant’s agent, confirmation has been received on behalf of the access Panel that these requirements have all been addressed.

3.2 There is no North West Kilmarnock Community Council at the present time.

3.3 East Ayrshire Council Roads and Transportation Service has no objections subject to the following conditions:-

1. Development served by courtyard arrangement and will not be adopted by Roads and Transportation.
2. Roads (Scotland) Act 1984 Section 56 application required for works in footway.
3. Traffic Management Plan required to be submitted.
4. SUDs design and discharge to be agreed with Scottish Water.
5. Parking bays should be a minimum 2.5 metres wide.

   Items 1 and 2 are not relevant planning conditions and are matters that the roads and Transportation Service would address under their own legislation. Both points can be attached as advisory notes on any planning consent. Items 3, 4 and 5 can be adequately conditioned if Members choose to grant consent.

3.4 East Ayrshire Council Environmental Health Service has no objections and offers comments in terms of construction hours, noise from construction works, the burning of construction waste, drainage, and suitable dust suppression measures where appropriate.

   Where appropriate, these matters can be addressed by the use of conditions/advisory notes should consent be granted for the proposed development.
3.5 East Ayrshire Council Environmental Health Service (Contaminated Land Officer) advises that their database has not identified any specific area of concern however there could be the potential for contamination of the soil from materials which could be present from the previous use. A general condition is therefore recommended on any consent to require that if any unsuspected contamination is encountered, appropriate measures should be formulated to address any potential exposure to workers and soil contamination.

*This matter can be addressed by condition if Members choose to grant consent.*

3.6 Scottish Water has no offered any objections but has advised that it is necessary that they assess the impact of the demand that this new development will generate on their existing infrastructure. They have required the submission of a Development Impact Assessment Form.

*This consultation response was forwarded to the applicant's agent with the request that the applicant contact Scottish Water and submit the required information direct to Scottish Water.*

4. REPRESENTATIONS

4.1 No letters of objection have been received.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application the Development Plan comprises the Approved Ayrshire Joint Structure Plan (2007) and the Adopted East Ayrshire Local Plan (EALP) (2010).

**Ayrshire Joint Structure Plan (AJSP)**

5.2 There are no relevant policies in the Ayrshire Joint Structure Plan and the application is therefore assessed against the EALP.

**Adopted East Ayrshire Local Plan 2010 (EALP)**

5.3 Policies RES3, RES23, RES26, RES29, RES30 and ENV9 apply to this application.

5.4 Policy RES3 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 maps. Such proposals will be particularly supported where the development:
(i) Has no adverse impact on the surrounding natural and built environment and adjacent uses;

*The proposed development would have minimal impact on the surrounding built environment and adjacent uses noting the neighbouring residential properties. The proposed building is in-keeping with the surrounding area being maximum two storeys in height.*

(ii) Has no unacceptable transportation and infrastructure implications;

*There are no outstanding issues from the Council’s Roads and Transportation Service or other consultees relative to transport and infrastructure matters. The applicant is currently pursuing drainage matters with Scottish Water.*

(iii) Is compatible with surrounding densities and housing types; and

*The densities and house types are acceptable for this location.*

(iv) Is in full compliance with the Council’s approved Design Guidance.

*The proposed development complies with the Council’s Design Guidance relating to New Residential Development.*

5.5 Policy RES30 states that community care housing must be within close proximity to a post office or a range of shops and be located on a public transport route to be acceptable.

*The site is located a third of a mile from the Post Office in the Foregate, and is located closer to the existing shops and services on Dean Street, some 300 metres to the east. Given the current accommodation need for wheelchair accessible properties and for older and ambulant disabled people in this area of Kilmarnock, it is considered that the proposed development is appropriate in terms of this policy.*

5.6 Policy RES23 concerns the provision of public open space.

*Given the scale of the development, no formal public recreational open space requires to be provided however the proposed site plans indicates that landscaping is proposed throughout the site.*

5.7 Policy RES26 concerns the provision of private open space.

*Noting that the proposed accommodation is for assisted living residential accommodation no individual gardens are proposed however the site is set within communal landscaped grounds which is acceptable for this format of residential accommodation.*
5.8 Policy ENV9 expects developers to comply fully with the Council’s existing and emerging design guidance.

The proposed development is considered to be compliant with this policy. The proposed two storey building will be in-keeping with surrounding properties which comprise a mix of three storey residential flatted properties, two storey sheltered accommodation and single storey detached residential dwellinghouses. There are also no concerns regarding privacy or overlooking noting the site layout and the layout of surrounding properties. Sufficient communal garden ground is provided and the design and layout are considered to be appropriate to the surrounding area.

5.9 Policy RES29 which relates to Developer Contributions requires that developers of sites for 4 or more dwellinghouses to make an appropriate contribution in line with the council’s Supplementary Planning Guidance.

The developer was requested to make this contribution or provide appropriate supporting information to allow an exception to be made in accordance with the Council’s Supplementary Planning Guidance. Following due consideration, it is noted that Policy RES29 states that contributions will be waived or reduced only in “exceptional circumstances” for example where a developer has been able to demonstrate that a development would bring, for example, particular social benefits, as in the above application. The application is, therefore in accordance with Policy RES29.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultation responses received, the impact upon the amenity of the area and the planning history.

Consultation Responses

6.2 The consultation responses are detailed in the report and have been carefully considered. The submissions do not raise any issues of sufficient weight to warrant refusal of this application. It is considered that any issues raised by consultees can be addressed by conditions or advisory notes should Members choose to grant consent.

Impact on Amenity

6.3 It is noted that this site will not affect the surrounding area in terms of amenity noting surrounding uses, the proposed layout and the design of the proposed dwellings including the areas of amenity space proposed. Residential use is therefore appropriate for this site. The design of the proposed dwellinghouses raises no issues in terms of visual amenity and the
proposals are not considered to be detrimental in amenity terms to the enjoyment of surrounding residential properties noting that the new dwellinghouses will not have a detrimental impact on the privacy of surrounding properties and will be of a suitable scale, design and layout.

Planning History

6.4 There is no relevant planning history for this site that would affect the determination of this planning application.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are financial implications arising from this application noting that this Council is the applicant.

7.2 There are legal implications with regard to the determination of this application as the Council is the applicant. If Members decide to grant consent, there is however no requirement to refer this application to the Scottish Government under Circular 3/2009 ‘Notification of Planning Applications’.

8. CONCLUSIONS

8.1 The Town and Country Planning (Scotland) Act 1997 as amended requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. As indicated in Section 5 of the report the application is consistent with the provisions of the Development Plan.

8.2 As indicated in Section 6 of the report there are material considerations relevant to this application, but in this instance, it is considered that the material considerations are not such as to indicate that the proposal would be unacceptable.

8.3 The proposed development can be satisfactorily accommodated within the application site. The design and external finish will be appropriate to this mainly residential area. The proposed residential accommodation will be two storey in height and can be accommodated without resulting in overlooking or loss of amenity to the adjoining properties or surrounding area in general. The proposed development has not received any objections through the consultation or representation processes and is considered to be appropriate.

8.4 The principle of the proposal is also in accordance with the Council’s Transformation Strategy 2012-17, which sets out the three key strategic priorities around which the Council’s strategic direction should be focused in order to deliver services within the constraints of the current financial climate.
One of the key actions of this initiative includes encouraging investment and building new houses in and around town centres. The proposal fully accords with the principles set out in Council’s Transformation Strategy.

9. **RECOMMENDATION**

9.1 It is recommended that this application for planning permission be approved subject to the conditions listed 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 Economic Development, the application would not require to be referred to the Council, as this would not be a significant departure from Council policy.

Alan Neish  
Head of Planning and Economic Development

Date: 06 March 2013

FV/DMcD

**LIST OF BACKGROUND PAPERS**

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Approved Ayrshire Joint Structure Plan
5. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Marion Fergusson, Senior Planner on 01563 576769

Implementation Officer: David McDowall, Operations Manager
Location: Witchhill School, Witch Road, Kilmarnock
Nature of Proposal: Erection of 13 assisted living residential units and staff base
Name and Address of Applicant: East Ayrshire Council
EAC Corporate Infrastructure
The Opera House
8 John Finnie Street
Kilmarnock

Officer's Ref: Fiona Finlay
01563 576798

The above application for Planning Permission should be granted subject to the following conditions:-

1. The development hereby approved shall be implemented in accordance with the plans stamped as forming part of this permission unless a variation is required by a condition of the permission or a non-material change has been agreed in writing by the Planning Authority.

   REASON: To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

2. Notwithstanding the submitted plans, details and samples of all external materials (including colours) to be used in the construction of the dwellings, access road and footpath surfaces shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development on site and implemented as approved thereafter.
REASON: In the interests of visual amenity, to ensure that the external finishing materials are appropriate to the character of the area.

3. Notwithstanding the approved plans, full landscaping details, including the species and size of proposed trees and any hedging and a maintenance scheme, shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site.

REASON: In the interests of residential amenity.

4. The landscaping proposals as approved under the terms of Condition 3 above shall be completed within the first planting season following the completion of the last dwelling house. For the avoidance of doubt this landscaping scheme shall include the landscaping of the garden grounds of individual plots.

REASON: In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

5. All planting carried out on site shall be maintained by the developer in accordance with good horticultural practice for a period of 5 years from the date of planting. Within that period any trees, shrubs or plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.

REASON: In the interests of visual amenity and effective landscape management; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

6. No demolition or external construction work, site clearance or preparation works shall take place before 08:00 hours and after 18:00 hours on Mondays to Fridays and before 08:00 hours and after 13:00 hours on Saturdays, nor at any time on Sundays.

REASON: In the interests of residential amenity.

7. No materials other than topsoil shall be brought into the site for the purposes of infilling or upraising ground levels without the prior written consent of the Planning Authority.

REASON: In order to control the development of the site and materials used in the making up of ground levels.

8. For the period of construction works on site, all construction works traffic/machinery/equipment shall be parked at all times within the application site unless with the prior written consent of the Planning Authority.

REASON: In the interests of road safety and residential amenity.
9. Notwithstanding the approved plans and prior to the commencement of any works 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, in consultation with the Council’s Roads and Transportation Service, and shall be installed and fully operational prior to the houses being occupied.

REASON: To ensure the provision of adequate surface water drainage within the site.

10. If any unsuspected contamination is discovered on site, the Council shall be informed immediately, and remedial measures formulated to address the risk of exposure to key receptors which shall be submitted to and approved in writing by the Planning Authority prior to the continuation of site works. Subsequent confirmation that remedial measures have been implemented on site as agreed shall thereafter be submitted to and approved in writing by the Planning Authority prior to the occupation of the first dwellinghouse on site.

REASON: In order to ensure that any unsuspected contamination is dealt with appropriately.

11. As detailed on the submitted plans visibility sightline splay areas of \(x=2.5\) metres by \(y=35\) metres shall be formed at the access point of the site onto Witch Road prior to any other works commencing on site and shall be maintained thereafter with no obstruction greater than height than 1 metre allowed within the splay areas formed.

REASON: In the interests of road safety.

12. A detailed Construction Traffic Management Plan shall be submitted to and approved in writing by the Planning Authority, in consultation with the Council’s Roads and Transportation Service, prior to any work commencing on site. The Traffic Management Plan shall include details of measures to be adopted and the approved Plan shall thereafter be implemented as approved on site for the entire period of construction works unless with the prior written consent of the Planning Authority.

REASON: In order to minimise the impact of vehicular traffic on the surrounding residential area.

13. Notwithstanding the proposed plans, all parking bays shall be a minimum of 2.5 metres in width with the exception of any accessible parking bays.

REASON: In order to ensure that appropriate parking places are to be provided.

Advisory Notes to Applicant:
1. Construction works associated with the development shall be carried out in accordance with SEPA’s guidelines on avoidance of pollution, and reference should be made to the relevant Pollution Prevention Guidance (PPG) from SEPA. Any waste materials imported to the site should be stored and used only in accordance with the waste management licence or exemption under the Waste Management Licensing Regulations 1994 as amended. Any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations.

2. The applicant should make early contact with Scottish Water Developer Services, Clyde House, 419 Balmore Road, Glasgow, G22 6NU regarding sewer and water connections. The applicant should ensure that prior to development commencing on site, they have secured agreement from Scottish Water regarding the suitability of all proposed drainage connections and the suitability of the existing infrastructure to accommodate such connection.

3. The developer should make early contact with Scottish Environment Protection Agency and Scottish Water 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.

4. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific arrangements 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.

5. The applicant is advised to contact Scottish Power and Scotland Gas Networks with regard to their apparatus in the vicinity of the site.

6. The applicant is advised that a heavy standard of 5 metres in height is the Council’s preferred option for the proposed trees.

7. The applicant is recommended to employ suitable dust suppression measures on the site for the period of construction works. Further clarification can be obtained from East Ayrshire Council’s Environmental Health Service on 01563 554007.

8. Any waste arising from the construction works should be disposed of to the satisfaction of the Waste Management Authority and other than by means of burning on site.

9. The Council’s Roads and Transportation Service has advised as follows and early contact is recommended with the Roads Service at The Johnnie Walker bond, 15 Strand Street, Kilmarnock KA1 1HU:-
a. Development served by courtyard arrangement will not be adopted by Roads and Transportation.
b. Roads (Scotland) Act 1984 Section 56 application is required for works in footway.
c. The content of the Construction Traffic Management Plan as required under Condition 12.

**Reason for this Decision**

The proposed development is consistent with the Development Plan and there are no material considerations that would indicate that the application should be refused.