

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 4 DECEMBER 2009

09/0655/PP: CONSTRUCTION OF SINGLE STOREY RESIDENTIAL CHILDREN'S HOUSE WITH ASSOCIATED STAFF/VISITOR CAR PARK AND ACCESS ROAD.

AT: BAIRD PLACE, NEW FARM LOCH, KILMARNOCK

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for this site with regard to the erection of a children's house, single storey and of a scale in keeping with the surrounding residential development. Details have been lodged in relation to:-

- Layout of the site;
- Size, height, design and external appearance of the dwellings;
- Internal spaces;
- Open space provision;
- Car parking;
- Boundary walls or fences to be erected; and
- Landscaping of the site and maintenance thereof.

1.2 The proposed development would be for a children's house for 6 young people from East Ayrshire communities. The house would offer space for children to live within a comfortable environment, with own bedrooms, toilets and showers, as well as accommodation for the development of personal interests and hobbies. A communal dining, kitchen and lounge area is proposed as well as rooms for quiet study and rooms for activity. The house will also conform to the standards required for wheelchair accessibility. A member of staff will be at the house at all times to ensure the children are able to meet their potential and ensure all their developmental needs are met. The children will be encouraged to participate in local community events, attend local schools, and engage with local and clubs and groups where appropriate, to integrate the children into the local community.

1.3 The house is designed to fit into the surrounding residential community and will have a surrounding garden which will be designed to offer privacy to the house, but at the same time ensure the development is not an isolated building, and forms part of the local community. The applicants have intended there will be a designed approach to the planting of the garden, offering the residents the

opportunity to take an active part in growing food and plants and learning about the local ecology.

1.4 Parking will be provided off street for 10 spaces, 2 which will be ambulant spaces, to minimise the need for public parking in the area, and it is the intention of the applicant that the house should be fully integrated with the community and not developed in isolation.

1.5 The materials proposed for the construction of the house are facing brick, with aluminium windows, and the main entrance door is proposed as timber. The roof is to be finished in brown modern roof tiles. A timber slatted fence is proposed around the boundary of the site; however, where the site fronts onto Baird Place, it is proposed to use a lower level fence, indicating the house residential status.

1.6 Under the terms of the Use Classes Order (Scotland) 1997, this proposal relates to care being provided for 6 children and therefore falls within Use Class 8, Residential Institutions which includes for the provision of residential accommodation to people in need of care.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report the application is consistent with the provisions of the Development Plan. Therefore given the terms of Section 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material consideration indicate otherwise.

3.2 As indicated in Section 6, there are material considerations relevant to this application, including the substantial body of representations received regarding the perceived negative effects of having a children's house in the vicinity of an established residential area. The Council recognises that the building of a children's house is a sensitive subject, and may generate similar objections from the local community regardless of where such a unit is proposed. Whilst the body of objections is noted, their content is not considered sufficient to warrant refusal of this application. It is noted that the consultation responses do not suggest that the application should be refused. It is therefore considered that this application should be approved, subject to conditions.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, on the principle of the development, the application would require to be referred to the full Council, as this would be 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.

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Report by Head of Planning and Economic Development

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 Northern Local Planning Committee under the current scheme of delegation as it is subject to more than 10 letters of objection, and because the Council has an ownership interest in the land, and is also the applicant.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located off Baird Place, New Farm Loch, on a 0.34ha rectangular plot of land, on which, St Joseph's Secondary School was previously situated.

2.2 The area is dominated by housing to the north, and west, and is a popular residential area, built in the 1960's and 1970's for mainly socially rented housing stock, and which has large landscaped areas pocketed throughout. The vacant area of land to the east is currently under development to level the site. To the south lies the new St Joseph's Campus. The application site is currently an area of earthed ground, which sits between Baird Place and Forbes Walk, extending to some 300 sq m in area. There are two trees on the site.

2.3 **Proposed Development:** Full planning consent is sought for this site with regard to the erection of a children's house, single storey and of a scale in keeping with the surrounding residential development. Details have been lodged in relation to:-

- Layout of the site;
- Size, height, design and external appearance of the dwellings;
- Internal spaces;
- Open space provision;
- Car parking;

- Boundary walls or fences to be erected; and
- Landscaping of the site and maintenance thereof.

2.4 The proposed development would be for a children's house for 6 young people from East Ayrshire communities. The house would offer space for children to live within a comfortable environment, with own bedrooms, toilets and showers, as well as accommodation for the development of personal interests and hobbies. A communal dining, kitchen and lounge area is proposed as well as rooms for quiet study and rooms for activity. The house will also conform to the standards required for wheelchair accessibility. A member of staff will be at the house at all times to ensure the children are able to meet their potential and ensure all their developmental needs are met. The children will be encouraged to participate in local community events, attend local schools, and engage with local and clubs and groups where appropriate, to integrate the children into the local community.

2.5 The house is designed to fit into the surrounding residential community and will have a surrounding garden which will be designed to offer privacy to the house, but at the same time ensure the development is not an isolated building, and forms part of the local community. The applicants have intended there will be a designed approach to the planting of the garden, offering the residents the opportunity to take an active part in growing food and plants and learning about the local ecology.

2.6 Parking will be provided off street for 10 spaces, 2 which will be ambulant spaces, to minimise the need for public parking in the area, and it is the intention of the applicant that the house should be fully integrated with the community and not developed in isolation.

2.7 The materials proposed for the construction of the house are facing brick, with aluminium windows, and the main entrance door is proposed as timber. The roof is to be finished in brown modern roof tiles. A timber slatted fence is proposed around the boundary of the site; however, where the site fronts onto Baird Place, it is proposed to use a lower level fence, indicating the house residential status.

2.8 Under the terms of the Use Classes Order (Scotland) 1997, this proposal relates to care being provided for 6 children and therefore falls within Use Class 8, Residential Institutions which includes for the provision of residential accommodation to people in need of care.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objections subject to condition, on the subject of visibility splay, dropped kerbs to be installed, and an undertaking not to discharge water from the development into the public road.

Appropriately worded planning conditions can be incorporated into any consent addressing these issues.

3.2 East Ayrshire Council Environmental Health Division has no objections in principle but offer suggested conditions, if the application is to be approved, on matters such as noise during construction, the disposal of waste, drainage systems, and procedures in the event of unsuspected contamination being encountered on site.

The above requirements can be addressed by attaching relevant conditions and advisory notes to any grant of planning consent.

3.3 East Ayrshire Council's Department of Neighbourhood Services (Housing): no objections, but noted that the proximity of the application site to the adjacent Amenity Housing complex, which houses elderly residents, may give rise to some concern for the local community. Comments were offered that the design of the building should ensure that, as far as practical, all bedrooms, en suite and public rooms should be accessible to wheelchair standards; and enquired what the external treatments for the garden area were in relation to healthy eating, play and horticulture therapies.

Noted, the building has been designed to be as wheelchair accessible as possible and ambulant parking spaces have also been included. Whilst details on the garden and external treatments have not been forwarded with the application, the submission of these details can be the subject of a planning condition, should Members decide to grant consent.

3.4 East Ayrshire Council's Department of Neighbourhood Services (Outdoor Services): no response at the time of writing.

Noted.

3.5 Scottish Gas has no objections to this development, noting the company's apparatus in the vicinity.

An advisory note can be incorporated if Members choose to grant consent, advising that the applicant contact Scottish Gas in this regard.

3.6 Scottish Power has no objections to this development.

Noted.

3.7 Scottish Water no response at the time of writing.

Noted.

3.8 Scottish Environment Protection Agency does not object to the proposal.

Noted.

3.9 New Farm Loch Community Council has submitted a letter which advises they have no objections to the proposal.

Noted.

3.10 East Ayrshire Access Panel have submitted comments on internal layout and a safe walking route from the car park to the entrance of the proposed house.

Noted. An appropriately worded condition on the safe route can be incorporated to address this issue to any grant of consent. The other matters relate to the Building Warrant stage, and the comments been passed on to the agent for the applicants.

4. REPRESENTATIONS

4.1 Neighbour notification was undertaken by the applicants and the application was advertised in the local press. 33 letters of objection were received within the prescribed time period. The applicants have submitted supporting information in relation to the objectors' points. The grounds of objection can be split into 4 topics:

4.2 Individual Home Owner's concerns on their own properties:

Devaluation of private property prices in the area as a result of the proposal;

Perceived or real devaluation of property values is not a planning consideration.

4.3 The building of the house in this location will lead to an obstruction of views from nearby properties in Forbes Walk, with no desire to look onto a concrete wall, and the proposal would block light to the gardens.

It is noted that the development will not have any concrete walls but instead will be constructed in facing brick, and it is considered that the quality of construction will not detract from the surrounding area. The boundary treatment to the side and rear of the properties will be a 1.8m high timber fence.

4.4 Anti-Social Behaviour Issues:

No-one wants a children's house next to their house;

No information has been submitted about the number of children and whether any of them will be any kind of offenders, or what their background is;

Not all visitors to the house will be visiting on a professional basis and if they are denied entry they may roam the surrounding area bearing grudge;

The security and safety of existing residents will be compromised as it would be a dumping ground for all the problems cases social services pass on;

A perception that youths might hang around the proposed house, causing vandalism and disturbance;

The applicants have noted that the children or young people in need of care in other settings such as residential schooling or secure care will not be accommodated within this house. The house will provide a house for up to six children and young people around the ages 10 – 16 with full staff care and supervision at all times of the day and night.

The applicants have noted their duty under the Children (Scotland) Act 1995 to provide accommodation for children and young people in the authority area, who are in need of care away from house. Local authorities, in taking on the role of the parent, must provide a safe, nurturing environment which helps children and young people to have their emotional and social needs met and takes account of the children's' background and experiences. Children and young people resident in the house will have their own individual care plans and

contact with family and friends will be organised and the arrangements planned with staff responsible for their care.

The site is close to licensed premises and near to shops:

The previous problems associate with St Joseph's Academy when it was on the site in terms of bad language;

The on-going disturbances already experienced in the area between the pupils of St Joseph's Academy and James Hamilton Academy; and the effect this might have on a children's house in the area;

These objections are not a planning consideration, and are matter for Strathclyde Police and the management of the respective schools.

4.5 Operational Issues:

The site at the Grange or at Macdonald Drive would be more appropriate for a children's house, also Southcraigs, or at Glencairn area of the town would be a better location where several sites sit unused or derelict;

The Committee will be aware that it is required to determine, on its planning merits, only this proposal. This cannot involve the assessment of other development opportunities.

The mound of earth currently on the application site and on the rest of the adjacent site which is causing mud to stream onto the adjacent footway and road;

This mound of earth is still in place following the re-development of St Joseph's Campus and this matter will be addressed in due course by the contractor for that development.

Construction has already started on site, and this could be an indication of the whole process simply being lip service;

Construction has not started on site; this objection refers to works being carried out by the contractor for the re-development of St Joseph's Campus, and as detailed above.

Construction noise during the redevelopment of the Campus has already disrupted sleep patterns;

Construction works are by nature, noisy and will have an impact during working hours, should anyone in the vicinity work shifts outwith normal working hours. This is an unavoidable result of any

development, and conditions limiting construction works to general working hours can be imposed, to any grant of consent.

The house as it stands will no doubt need expanding in the future to cope with demand and more space will be allowed to create that expansion;

There are no plans to expand the footprint of the house as proposed, and should this be the case, another application would require to be submitted to assess this. Under the current scheme of delegation, this would also be required to be referred to Committee for determination; therefore any objectors would have the right to be heard in the determination process.

Existing parking problems in the vicinity of Baird Place and the increase in traffic the proposal would cause would lead to congestion;

The Councils Roads and Transportation Division has assessed the parking issues and traffic generation that a unit of 6 bedrooms might experience, and have no objections in this regard. Off street parking of 10 spaces is provided on the site to ensure there is no additional on street parking as a result of the development.

4.6 General concerns the proposed use and compatibility with surrounding uses:

The lack of consultation with the local community;

The applicants have forwarded some supporting information with their application with regard to community consultation, detailing dates and types of presentation to various groups in the community, including local Churches, and New Farm Community Council. Whilst under the Planning Acts, the applicant is not obliged to enter into community consultation for this local level of application, the applicant has indicated that consultation has been carried out in the wider community. As part of the decision making process ratified by the Governance and Scrutiny Committee on 3rd April 2009, members of the public were involved in a 'sounding board' exercise where considerable detailed discussion and questioning of officers took place.

The application site was intended to be for sport and swimming facilities under the plans to redevelop St Joseph's campus;

There were no plans lodged with the planning application for the re-development of St Joseph's campus to include this part of the site for recreational activities.

The proximity of the proposed children's house to a nearby primary school and complex for elderly residents, and these uses are incompatible with the siting of a children's home;

The proposal to site a children's house in this location gives no cause for concern in relation to the proposed use and its compatibility with existing uses: the proposed use is residential, it is adjacent to other residential uses, and it is located in a residential area. Proximity to the school and other uses is desirable in this instance in terms of ease of access to such facilities for the children.

Grassyards Road would be more suitable location regarding access;

This planning application relates to the determination of the proposal to erect a residential unit at Baird Place Kilmarnock and cannot involve the assessment of other development opportunities in its determination.

This proposal seems to be ushered in by the back door, and if it goes ahead, we will never believe another word said to us by any member of the Council;

The proposal is presented to the Planning Committee for determination in light of both the consultation responses returned, the application assessment in terms of compatibility with the Development Plan and any material considerations, including the number and level of objections received. The application will be determined in the same manner as any other planning application, and there is no question of it being 'ushered in by the back door'.

The plan submitted show only the area involved as it stands now and not what is proposed, and therefore how can the community accept a blank canvas;

The drawings clearly indicate in detail what is proposed in terms of the design, garden area and parking. In this respect, it is not clear whether the 17 objectors who cited this ground of objection did so without any reference to, or sight of the submitted plans.

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) (2003).

Ayrshire Joint Structure Plan

5.2 Noting the location of the application site within the Kilmarnock settlement boundary, there are no relevant policies in the Ayrshire Joint Structure Plan.

East Ayrshire Local Plan

5.3 Under Policy CS 1 the Council will, subject to the necessary finance being available, respond positively to changing needs and demands for community and educational facilities throughout East Ayrshire. Wherever possible, existing facilities will be retained and improved and support and encouragement will be given to all other community facility and public service organisations to maintain and improve the services they provide.

It is considered that the proposal for a new children's residential house, will provide a necessary facility for children within East Ayrshire. The proposal therefore accords with the provisions of Policy CS 1.

5.4 Policy ENV7 expects developers to comply fully with the Council's existing and emerging design guidance.

The proposed development is considered to be compliant with the terms of this policy noting the design, layout, range of external materials.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the Alteration to the East Ayrshire Local Plan with Modifications, the consultation responses received which are addressed in Section 3 of the report, the letters of objection, and the impact upon the amenity of the area.

Alteration to the East Ayrshire Local Plan (Finalised version with modifications)

6.2 Policy CS1 states that the Council will respond positively to changing needs and demands for all community, educational, sporting, leisure, cultural and other facilities serving local communities, throughout East Ayrshire. In particular, the Council will encourage and support the development of such new facilities as may be required and the upgrading, expansion and improvement of existing facilities to meet local needs.

The proposed children's residential house will meet an identified need for this specific facility. The proposal is considered to help meet the aims of this policy.

Consultation Responses

6.3 The consultation responses are detailed in the report. The submissions do not raise any issues of sufficient weight to warrant refusal of this application, and it is considered that any issues raised by consultees can be addressed by conditions attached to any grant of consent.

Objections

6.4 The points raised in the letters of objection have been addressed under Sections 3 and 4 of this report. Whilst the body of objection received regarding the siting of the proposed house is noted, none of the issues raised are considered to warrant refusal of this application.

Impact on Amenity

6.5 Noting the residential uses bounding the site, it is accepted that a children's house, being a residential type use, is suitable for this location. The design of the proposed residential house raises no issues in terms of visual amenity. The children's house is for 6 children only and it is intended that the children be integrated fully in the local community, and given the opportunity to attend local schools and use local facilities. Whilst the proposed house does not raise any issues in terms of amenity, the level of objections received has highlighted a perception that there may be anti-social behaviour as a result of having a children's unit nearby and that this is a concern for the community.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The Council owns the application site and therefore has a financial interest in the application.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report the application is consistent with the provisions of the Development Plan. Therefore given the terms of Section 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material consideration indicate otherwise.

8.2 As indicated in Section 6, there are material considerations relevant to this application, including the substantial body of representations received regarding the perceived negative effects of having a children's house in the vicinity of an established residential area. The Council recognises that the building of a children's house is a sensitive subject, and may generate similar objections from the local community regardless of where such a unit is proposed. Whilst the body of objections is noted, their content is not considered sufficient to warrant refusal of this application. It is noted that the consultation responses do not suggest that the application should be refused. It is therefore considered that this application should be approved, subject to conditions.

9. RECOMMENDATION

9.1 It is recommended that this application for planning permission should 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, on the principle of the development, the application would require to be referred to the full Council, as this would be a significant departure from Council policy.

**Alan Neish
Head of Planning and Economic Development**

24 November 2009
MF/KW
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letters of Objection.
5. Adopted East Ayrshire Local Plan.
6. Applicants Supporting Statement

Anyone wishing to inspect the above papers please contact Marion Fergusson, Planning Officer, on 01563 576769.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0655/PP

Site of Proposal: Baird Place, New Farm Loch, Kilmarnock

Nature of Proposal: Construction of single storey residential children's house with associated staff/visitor car park and access road.

Name & Address of Applicant: East Ayrshire Council
Education And Social Services
Civic Centre South
John Dickie Street
Kilmarnock
KA1 1HW

Name & Address of Agent: East Ayrshire Council
Asset And Improvement Services
Council Offices
Rigg Road
Lugar
Cumnock
KA18 3JQ

DPOs Reference: FMF/KW

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

1. Notwithstanding the submitted plans, the applicants shall demonstrate that a 2.5m x 35 m sightline can be maintained at the new access of Baird Place, and shall ensure no obstructions greater than 1 m in height are allowed within this visibility splay.

REASON In the interest of traffic safety in and around the locus.

2. Kerbs shall be dropped at the development site to form a pedestrian crossing point at the new access to Baird Place.

REASON In the interest of traffic safety in and around the locus.

3. The applicant shall ensure no surface water shall discharge onto the public road from the development site.

REASON In the interest of traffic and pedestrian safety in and around the locus.

4. Notwithstanding the submitted plans, details and samples of all external materials to be used in the construction of the children's house and the driveway 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.

5. Notwithstanding the approved plans, the landscaping details, including the species and size of any proposed trees, hedging, and planting 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.

6. The Landscaping Scheme as approved under the terms of Condition 5 above shall be completed within the first planting season following the completion or occupation of the children's house, whichever is the sooner.

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

7. 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.

8. 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.

9. During the period of construction works, the developer of the site shall ensure that adequate and continuing measures are taken such 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.

10. 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.

11. Prior to the commencement of works on site, detailed site levels, as existing and as proposed, shall be submitted to and approved in writing by the Planning Authority, and shall be adhered to thereafter.

REASON In order to control the development of the site.

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

REASON In the interests of residential amenity.

13. Foul drainage shall be connected to the public sewer.

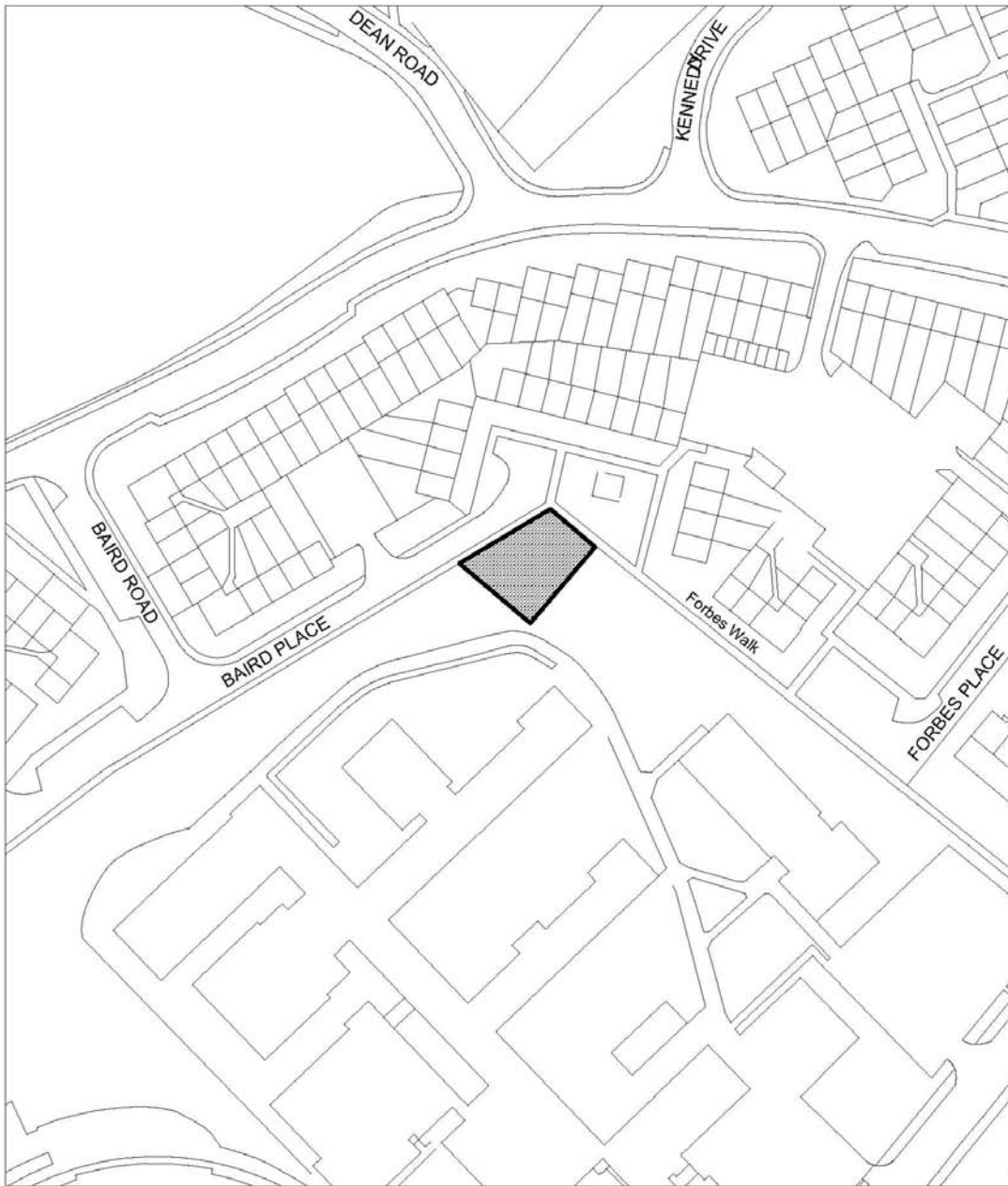
REASON In order to control the sewerage provision on the site.

14. All surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and N Ireland published by CIRIA in March 2000.

REASON In order to control the surface water provision on the site.

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 on 0845 601 8855. 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 applicant is advised to make early contact with Scottish Water Developer Services, Clyde House, 419 Balmore Road, Glasgow, G22 6NU regarding sewer and water connections.
4. The applicant shall contact the Council's Roads and Transportation Division (Tel. 01563 576358) with regard to any traffic management, road construction or works administered by that Division.
5. The applicant is advised to contact Scottish Power and Scottish Gas Networks with regard to their apparatus in the vicinity of the site.
6. If any unsuspected contamination is discovered on site, the Council should be informed immediately, and remedial measures formulated to address the risk of exposure to key receptors.



<p>Title/Location Baird Place Kilmarnock Application No. 09/0655/PP</p>	<p>East Ayrshire Council Planning & Economic Development Division. 6 Croft Street Kilmarnock KA1 1JB Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : Planning@east-ayrshire.gov.uk</p>
<p>Key</p> <p> Application Site</p>	<p>Com Date: 04/12/2009 Checked By</p> <p style="text-align: right;"></p>

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