

## **EAST AYRSHIRE COUNCIL**

**DEVELOPMENT SERVICES COMMITTEE: 12 DECEMBER 2006**

**06/0773/LA: PROPOSED SINGLE STOREY CARE HOME FOR ADULTS WITH  
LEARNING DIFFICULTIES ON VACANT LAND AT BACK ROGERTON  
CRESCENT / BARBIESTON ROAD, AUCHINLECK**

**APPLICATION BY DIRECTOR OF EDUCATION AND SOCIAL SERVICES**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 A formal Notice of Intention to Develop has been made for the erection of a single storey care home for adults with learning difficulties on the application site. The care home facility comprises a 10 bedroom residential unit with associated communal facilities including a kitchen, two lounges, a dining room, a laundry, a smoking room and a facility office. Each bedroom will have its own en-suite facility and a common bathroom facility will also be provided. The building is shown as having an inverted 'T' shape with the principal elevation facing southwards.

1.2 The proposals also include the provision of a new car parking area to accommodate 7 parking spaces, two of which will be disabled parking bays. Access to the car parking area will be taken from a new access off Back Rogerton Crescent. The main entrance to the building is located on the southern elevation of the building being accessed via a footpath leading from the car parking area. The site will be enclosed by perimeter timber fencing, being a combination of a front boundary fence at 1.2 metres in height. A 1.8 metres high fence is to be erected along part of the Barbieston Road boundary (to enclose a proposed clothes drying area) and on the eastern, southern and car park boundary, enclosing the main amenity space area.

1.3 Externally the building is to be finished in buff facing brick with brown concrete tile to be used in the roof finish.

#### **2. RECOMMENDATION**

2.1 It is recommended that the Notice of Intention to Develop be forwarded to the Scottish Ministers Scottish Ministers in terms of Regulation 6 the Town and Country Planning (Development by Planning Authorities) (Scotland) Regulations 1981 (as amended) and subject to the conditions indicated on the attached sheet.

### **3. CONCLUSIONS**

3.1 As is indicated at Section 5 of the report, the proposal is considered to be in accordance with the development 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 There are material considerations relevant to the development. However it is considered that these are generally supportive of the development and that the points of objection are either not valid, are not borne out by the consultation process or can be addressed in the main by use of conditions in any consent granted, where not already addressed by the submission of amended plans.

3.3 The proposal represents a simple development scheme that is acceptable on the site proposed. While concern is shown about the boundary treatment to the site, it is considered that an acceptable balance has been struck between meeting the needs of vulnerable residents in terms of security and privacy and the impact of boundary fences on the general amenity of the locality in which the development is situated.

**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

DEVELOPMENT SERVICES COMMITTEE: 12 DECEMBER 2006

### 06/0773/LA: PROPOSED SINGLE STOREY CARE HOME FOR ADULTS WITH LEARNING DIFFICULTIES ON VACANT LAND AT BACK ROGERTON CRESCENT / BARBIESTON ROAD, AUCHINLECK

APPLICATION BY DIRECTOR OF EDUCATION AND SOCIAL SERVICES

#### 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 Notice of Intention to Develop application which is to be considered by the Development Services Committee under the scheme of delegation the proposed development is the subject of objections and will therefore require to be notified to the Scottish Ministers.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies on the south east side of Back Rogerton Crescent in Auchinleck and lies immediately south of the junction of Back Rogerton Crescent and Barbieston Road. The site extends to approximately 2400 m<sup>2</sup> and presently forms part of a larger area of maintained open space. The site gently slopes in a north to south direction and is bounded to the north and west by existing residential properties on Back Rogerton Crescent and Barbieston Road, to the south by an existing footpath, and to the east by an area of open space.

2.2 **Proposed Development:** A formal Notice of Intention to Develop has been made for the erection of a single storey care home for adults with learning difficulties on the application site. The care home facility comprises a 10 bedroom residential unit with associated communal facilities including a kitchen, two lounges, a dining room, a laundry, a smoking room and a facility office. Each bedroom will have its own en-suite facility and a common bathroom facility will also be provided. The building is shown as having an inverted 'T' shape with the principal elevation facing southwards.

2.3 The proposals also include the provision of a new car parking area to accommodate 7 parking spaces, two of which will be disabled parking bays. Access to the car parking area will be taken from a new access off Back Rogerton Crescent. The main entrance to the building is located on the southern

elevation of the building being accessed via a footpath leading from the car parking area. The site will be enclosed by perimeter timber fencing, being a combination of a front boundary fence at 1.2 metres in height. A 1.8 metres high fence is to be erected along part of the Barbieston Road boundary (to enclose a proposed clothes drying area) and on the eastern, southern and car park boundary, enclosing the main amenity space area.

2.4 Externally the building is to be finished in buff facing brick with brown concrete tile to be used in the roof finish.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 The Scottish Environment Protection Agency has no objections in principle to the proposed development provided the drainage arrangements are to its satisfaction. All foul drainage from the development site must be connected to the public sewerage system in accordance with Scottish Water requirements. The development must not entail the use of dual manholes for connections to the existing sewage system, either in the public sewers or within the curtilage of the development. The applicant should obtain written assurance from Scottish Water that the additional foul drainage from this development will not cause or contribute to premature operation of the down stream consented storm sewer over flows. SEPA requests a condition requiring the applicant to install a surface water treatment system designed and constructed in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual published by CIRIA. Soils in this area may not be suitable for infiltration systems and therefore surface treatment structures may be more appropriate. All waste materials generated by this development that require to be removed such as construction, demolition wastes and surplus excavated material, must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

***A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with SEPA regarding drainage of the site and disposal of waste materials. A condition can be attached to any consent granted in respect of the requirement for a SUD system to serve the development site.***

3.2 Auchinleck Community Council has not responded to the consultation letter.

***Noted.***

3.3 East Ayrshire Council's Roads and Transportation Division has no objections subject to conditions. No surface water must be allowed to discharge

from the development onto existing public roads. A minimum of seven off-road parking spaces are required to be provided for the proposed development. The private access driveway will require to be paved for a minimum distance of 5 metres from the rear of the footway to prevent the over-carry of loose material onto the public road. The proposed double driveway should not be less than 5.0 metres wide. Any access gates will require to open inwards away from the public road. Access to the development must be taken via a standard minor commercial access crossing to East Ayrshire Roads Division standards. The applicant must contact the Roads Division for further details / specification and a Road Opening Permit will be required. Visibility sightline splay areas of 2.5 metres by 50 metres will require to be formed and maintained at the site access, with no obstruction to visibility greater than 1 metre in height allowed within the splay areas formed.

***Conditions can be attached to any consent granted to meet the requirements of the Roads and Transportation Division.***

3.4 Scottish Power Distribution has no objections in principle to the proposed development but advises that it has underground cable apparatus within the area of the proposed development. SP Distribution therefore reserves the right to protect and /or deviate its apparatus / cables at the developer's expense.

***A note can be attached to any consent granted for the development to advise the developer to make early contact with Scottish Power Distribution.***

3.5 Scottish Water has not responded to the consultation letter.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 A total of four letters of representation have been received in respect of the formal Notice of Intention to Develop. The main points of representation or objection are summarised as follows:

4.2 I do not think it is suitable for the bedrooms to be facing onto the main road having lived in the street for over thirty years and have seen the amount of traffic and people passing. I would think it would be much better to have their bedrooms at the back of the building as they would have more privacy and would be much quieter at night for the residents. Are all the residents capable by their own means to maintain their privacy in their bedrooms? Could this be the reason for a 1.8 metres high perimeter fence? A modern institution? The residents do not pose a threat to the community so why hide them behind a 1.8 metres high fence?

***In response to the points made, the proposed care home has been moved approximately 3 metres further south within the application site, taking the building 3 metres further away from the footpaths in both Back Rogerton Crescent and Barbieston Road. It is considered that this would increase the resident's privacy. It is considered that the existing proposed layout with public rooms located to the south will allow residents free access to the proposed garden area without being overlooked from outwith the site.***

***The reason for the 1.8 metres high fence to the southern and eastern boundaries of the site is for the privacy and security of vulnerable residents. The short length of 1.8 metres high fence on Barbieston Road is to obscure the drying green area from public view. It is further considered that a degree of soft landscaping or tree / shrub planting would also assist in providing further opportunities for increasing privacy to bedrooms.***

4.3 The proposed site at one time was occupied by prefabricated dwellings whose construction included asbestos of various types. As these dwellings were removed some 40 years ago when asbestos was not considered to be any great threat, it is highly likely that the soils contain high levels of asbestos deposits. Now we are more enlightened as to the dangers of asbestos and know that the testing of soil has been carried out, the Council has not been forthcoming about the results merely stating we are not entitled to view such reports (this gives us great confidence). If, as I believe there to be, even moderate levels of asbestos within the soil, will there be guarantees that there will be no growing of edible vegetation that may endanger the residents through consumption?

***The original site investigation carried out for the site did not discover any trace of asbestos. A further specific independent Asbestos Report was commissioned that showed that no asbestos has been detected on the site. A copy of this report has been forwarded to the objector.***

4.4 As I am a resident of Barbieston Road and have been for many years, I know first hand about drainage problems in this particular area, having seen vast amounts of water cascading down my driveway and that of Barbieston Road. I wonder if any thought has been given to water displacement from the site. During heavy rain this site is often flooded and remains so for several weeks after the rain has stopped. Without extensive drainage on this land the grounds will be unstable and will result in the sinking of car parking and delivery areas, not to mention the gardens being unusable and boggy.

***The Council is aware that the site is not well drained and a consulting engineer has been commissioned to design a Sustainable Urban Drainage System to comply with current regulations and to***

***address the problem of excess surface water on the site. This matter will also be considered in the course of assessing the requisite building warrant application for the proposed development.***

4.5 The need to replace the existing hostel in Judge Avenue is appreciated; however this proposal seems to have been sprung on local residents without any prior discussion.

***The purpose of the Notice of Intention to Develop procedures is to make the community aware of the Council's development proposals and to allow for public comment on the proposals.***

4.6 My client objects to the application to build on this valued and attractive public open space. It has remained open for many years, is maintained by the Council and is an asset to the area which is deficient in amenity open space. Although years ago there were prefab on the application site, the establishment and use of green space has overridden that use. Were other sites considered?

***The application site is identified in the East Ayrshire Local Plan as a Residential Development Opportunity site and the site is not an area of safeguarded public open space. A number of other sites were considered in Auchinleck for this proposed development but these were rejected in the main due to them not meeting the client specification.***

4.7 As the site is zoned for housing then the proposed use is contrary to the development plan.

***This proposal forms part of a site identified in the East Ayrshire Local Plan as residential development opportunity site 003H suitable for 6 houses. Whilst the proposed use is not strictly speaking general needs private houses, it is nevertheless a residential use albeit a care home for adults with learning difficulties. It is therefore considered that this proposed use is generally accords with Policy RES 1.***

4.8 If the allocation of this site for development is a done deal then the loss of valued and necessary open space beside Barbieston Road should be compensated by land in Judge Avenue being left open and undeveloped once Carrick View has been demolished and residents moved to modern accommodation.

***Noted. The proposed after-use of the existing Carrick View premises or site is not material to the determination of this application.***

4.9 It would appear that the proposed levels are somewhat optimistic given that the site slopes both south and west, falling in the order of 3 metres from Barbieston Road to the western boundaries. The plans indicate that the building would be sited only 5 metres from its nearest point to the footway in Barbieston Road and only 3 metres back from Back Rogerton Crescent near this junction.

***Amended plans have been submitted showing the building being moved 3 metres further away from the footpath on Barbieston Road and Back Rogerton Crescent.***

4.10 Parking is shown for 4 cars and 2 disabled spaces. There are often 4 cars parked outside Carrick View hostel, so ample provision should be made within a generously sized site for parking for other visitors, professional staff and relatives alike.

***The submitted plan provide for seven parking spaces (including two disabled parking bays) in line with the requirements of the Roads and Transportation Division.***

4.11 A kitchen is shown on the north side of the north side of the main part of the development. Will a flue be required as it would detract from the simple lines of the proposed building?

***There will be a requirement for gas flues through the roof of the boiler room but these will be stainless steel and should not detract greatly from the appearance of the proposed building.***

## **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 the 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 There are no policies in the Ayrshire Joint Structure Plan that are particularly applicable to this proposal.

***Noted.***

## East Ayrshire Local Plan

5.3 Policy RES1 encourages and supports the residential development of those Development Opportunity Sites identified for housing purposes on the individual Local Plan maps and reserves them for residential and associated recreational and amenity open space development.

***This proposal forms part of a site identified in the East Ayrshire Local Plan as residential development opportunity site 003H suitable for 6 houses. Whilst the proposed use is not strictly speaking general needs private houses, it is nevertheless a residential use albeit a care home for adults with learning difficulties. It is therefore considered that this proposed use is generally in accord with Policy RES 1.***

5.4 Policy CS1 states that the Council will 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.

***The construction of a facility for adults with learning difficulties is considered to improve the range of services that the Council provides which is in line with the provisions of policy CS1 above. In this instance, the proposed facility is a replacement facility for the existing residential care home at Carrick View located some 50 metres away in Judge Avenue.***

***It is therefore considered that the proposed development is consistent with the policy provisions of the East Ayrshire Local Plan.***

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses received which are addressed in Section 3 of this report, the letters of representation addressed in Section 4 of this report and the Finalised Ayrshire Joint Structure Plan 2006.

### Consultations

6.2 The consultation responses do not raise any significant issues that cannot be addressed through the imposition of appropriate conditions in any consent granted for the proposed development.

## Representations

6.3 While it is accepted that the representations made show a degree of concern about the proposed development, it is considered that the points of objection are either not valid, or not borne out by the consultation process or can be addressed in the main by use of conditions in any consent granted, where not already addressed by the submission of amended plans.

## Finalised Ayrshire Joint Structure Plan

6.4 There are no policies in the new Finalised Ayrshire Joint Structure Plan that are particularly applicable to this proposal.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications for the Council in the determination of this application. However, as the proposed development has attracted objections, the Notice of Intention to Develop application requires to be notified to the Scottish Ministers under the provisions of the Town and Country Planning (Development by Planning Authorities) (Scotland) Regulations 1981 (as amended). When considering NIDs which are submitted under Regulation 6 of the Development by Planning Authorities Regulations the Scottish Ministers will, in deciding whether to call for a formal application from a planning authority, continue to consider each case individually. The Scottish Ministers will make a presumption against calling for a formal application where the proposed development either:

- a. accords with the adopted or approved local plan for the area; or
- b. has not attracted a significant body of objections.

***It is considered that the proposed development is in accordance with the development plan and has not attracted a significant body of objections.***

## **8. CONCLUSIONS**

8.1 As is indicated at Section 5 of the report, the proposal is considered to be in accordance with the development 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 There are material considerations relevant to the development. However it is considered that these are generally supportive of the development and that the

points of objection are either not valid, are not borne out by the consultation process or can be addressed in the main by use of conditions in any consent granted, where not already addressed by the submission of amended plans.

8.3 The proposal represents a simple development scheme that is acceptable on the site proposed. While concern is shown about the boundary treatment to the site, it is considered that an acceptable balance has been struck between meeting the needs of vulnerable residents in terms of security and privacy and the impact of boundary fences on the general amenity of the locality in which the development is situated.

## **9. RECOMMENDATION**

**9.1 It is recommended that the Notice of Intention to Develop be forwarded to the Scottish Ministers Scottish Ministers in terms of Regulation 6 the Town and Country Planning (Development by Planning Authorities) (Scotland) Regulations 1981 (as amended) and subject to the conditions indicated on the attached sheet.**

**Alan Neish  
Head of Planning, Development and Building Standards**

27 November 2006

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Consultation Responses.
3. Statutory Notices/Certificates.
4. Letters of Representation.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Finalised Ayrshire Joint Structure Plan (2006).

Anyone wishing to inspect the above papers should contact Mr. Hugh Melvin on 01563 555481.

***Implementation Officer: Dave Morris***

Application No: 06/0773/LA

---

Location	Vacant Ground at Barbieston Road / Back Rogerton Crescent, Auchinleck
Nature of Proposal:	Proposed single storey care home for adults with learning difficulties
Name and Address of Applicant:	The Director of Educational and Social Services Council Headquarters London Road KILMARNOCK
Name and Address of Agent	Principal Architect Council Offices Lugar, CUMNOCK

---

DPO's Ref:  
PPO's Ref: Hugh Melvin

The above LOCAL AUTHORITY application should be granted subject to the following conditions:-

1. The proposed development shall be carried out in accordance with the application form and plans received on 07 August 2006, as amended by the site layout plan received on 22 November 2006 (Drwg. No. 05/173/SW/NB -02).

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

2. Prior to the commencement of any development on site, the applicant shall submit to and have approved by the Planning Authority details and samples of the proposed external wall finishing materials and roof finishing materials to be used in the proposed care home and proposed finishes to the parking area and access.

REASON – In the interests of visual amenity..

3. No surface water must be allowed to discharge from the development onto existing public roads.

REASON – In the interests of public road safety.

4. A minimum of seven off-road parking spaces shall be provided for the proposed development and the private access driveway will require to be paved for a minimum distance of 5 metres from the rear of the footway to prevent the over-carry of loose material onto the public road.

REASON – In the interests of public road safety

5. The proposed double driveway shall not be less than 5.0 metres wide and any access gates shall open inwards away from the public road.

REASON – In the interests of public road safety.

6. Access to the development shall be taken via a standard minor commercial access crossing to East Ayrshire Roads Division standards. The applicant must contact the Roads Division for further details / specification and a Road Opening Permit will be required.

REASON – In the interests of public road safety.

7. Visibility sightline splay areas of 2.5 metres by 50 metres shall be formed and maintained at the site access, with no obstruction to visibility greater than 1 metre in height allowed within the splay areas formed.

REASON – In the interests of public road safety.

8. Construction works on site shall not be carried out prior to 0800 hours and after 1700 hours on Mondays to Fridays, between 0800 and 1300 hours on Saturdays, and not at any time on Sundays.

REASON – To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

9. Prior to the commencement of development on site, the applicant shall submit to and have approved by the Planning Authority a detailed landscaping plan for the development site. The plan shall provide details of the numbers, species and sizes of trees and shrubs to be planted as core structure planting within the development site. The submitted details shall take account of the location of the landscaping works to provide maximum opportunities of softening the impact of proposed screen fencing as well as providing added privacy and security to the proposed facility.

REASON – In the interests of visual amenity.

10. Prior to the commencement of development the developer shall submit the details of the Sustainable Urban Drainage system (SUDS) to be installed and shall specify a programme for the future management and maintenance of the scheme.

REASON – To ensure an appropriate means of surface water runoff in the interests of public health and safety.

## **NOTES TO APPLICANT**

1. East Ayrshire Council Roads and Transportation Division has advised that a Road Opening permit will be required for the construction of the access road and footpaths, street lighting etc. The Division can be contacted on Tel 01563 555330.
2. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site and to confirm the 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.

3. 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.
4. The applicant should make early contact with Scottish Power Distribution with regard to the protection or diversion of apparatus that may be affected by the proposed development.
5. All waste to be removed from the site (construction waste etc.) shall be removed by a licensed waste carrier to an appropriately licensed or exempted site.

**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.**