

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE : 1 MARCH 2002

**01/0474/FL: CHANGE OF USE OF DWELLINGHOUSE TO FORM
REGISTERED CHILDMINDERS FACILITY AT AITKENHEAD FARMHOUSE,
FENWICK FOR MRS PHYLLIS HEADS**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 **Proposed Development:** Full planning permission is sought for a part change of use of the dwellinghouse to form a registered childminding facility. No external alterations are proposed to the dwellinghouse. The applicant has advised that she is prepared to erect a mirror at the entrance to the site to improve visibility. She has also indicated that parking and drop-off provision can be provided within the hard surfaced courtyard area or in an existing lay-by adjacent to the access to the site.

1.2 The applicants have indicated that, subject to demand, the total number of children being minded would be ten; plus two resident children. Also depending on demand, the proposal would generate one additional member of staff over and above the applicant.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons listed on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.1 of the report there are no policies contained within the Adopted Stewarton Local Plan against which the application can be determined .

3.2 Given the age of the Adopted Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration. However, in this instance, as is noted in paragraph 6.12 of the report, there are no policies contained with the

East Ayrshire Local Plan (Finalised Version with Modifications) relevant to the determination of the application.

3.3 The Roads and Transportation Division has advised that the existing building adjacent to the carriageway of the C85 prevents adequate sightlines from being achieved and as such, the development presents a road safety hazard. The Division also advises that the proposed parking and drop-off area is inadequate and that the alternative use of the lay-by on the C85 would also be inappropriate in terms of road safety.

3.4 With regard to the points raised in the letter of objection, the use of the adjacent premises as a food processing business and a working farm, both of which generate frequent daily movements of machinery and heavy goods vehicles, may represent a danger to potential users of the proposed facility .It is therefore considered that the proposed use, which would encourage young children to visit the premises, is not in the best interest of public safety.

Alan Neish
Head of Planning & Building Control

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

NORTHERN AREA LOCAL PLANNING COMMITTEE: 22 MARCH 2002

01/0474/FL: PART CHANGE OF USE OF DWELLINGHOUSE TO FORM REGISTERED CHILDMINDER/P ART DAYCARE AT AITKENHEAD FARMHOUSE, FENWICK FOR MRS PHYLLIS HEADS

Report by Head of Planning & Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for full planning permission which is to be considered by the Local Planning Committee as the application is subject to an objection and is recommended for refusal.

2. APPLICATION DETAILS

2.1 Site Description: The application site comprises a one and a half storey cottage formerly associated with the adjacent Aitkenhead Farm. The site is accessed via a narrow rural road (C85) from Fenwick and lies approximately 1 mile south of Fenwick. Where the C85 passes the entrance to the application site it narrows considerably and suffers from poor forward visibility; the visibility being curtailed by an existing farm building which lies immediately adjacent to the carriageway of the C85. A small hard surfaced courtyard area, presently used for parking associated with the existing dwelling, lies to the front of the application site and is within the control of the applicant. The adjacent Aitkenhead Farm remains a working farm and a separate food processing business is presently operated from a portacabin within the courtyard area.

2.2 Proposed Development: Full planning permission is sought for a part change of use of the dwellinghouse to form a registered childminding facility. No external alterations are proposed to the dwellinghouse. The applicant has advised that she is prepared to erect a mirror at the entrance to the site to improve visibility. She has also indicated that parking and drop-off provision can be provided within the hard surfaced courtyard area or in an existing lay-by adjacent to the access to the site.

2.3 The applicants have indicated that, subject to demand, the total number of children being minded would be ten; plus two resident children. Also depending

on demand, the proposal would generate one additional member of staff over and above the applicant.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Avrshire Council's Roads and TransDortation Division has advised that the existing building adjacent to the C85 carriageway prevents adequate sightlines from being achieved and as such presents a serious road safety hazard to users of the facility. In response to the applicant's offer to provide a mirror to aid visibility , the Roads and Transportation Division has stated that a mirror would not address the road safety concerns and that, furthermore, the erection of mirrors is prohibited within the road limits. The Division has also indicated that the proposed parking and drop-off area within the courtyard is inadequate and that the alternative use of the lay-by on the C85 adjacent to the access would also be unsuitable in terms of road safety. The Division adds that the other commercial and agricultural activities which operate within and adjacent to the site may conflict with the proposed use. For those reasons the Roads and Transportation Division has recommended that the application be refused.

The applicant has been advised of the serious concerns raised by the Roads & Transportation Division. In response to this she has suggested the provision of a mirror adjacent to the access to the site to improve visibility. However, as noted above, the Roads and Transportation Division does not consider this a satisfactory solution. Therefore given the location of the existing farm building adjacent to the carriageway of the C85 (which is outwith the applicant's ownership or control), the inadequate parking and drop- off provision and the other commercial and agricultural activities within and adjacent to the site, it is considered that the proposal represents a road safety hazard both to users of the highway and to users of the proposed facility.

3.2 East Avrshire Council's Environmental Health and Waste Manaaement Division has no comment to make on the application sinc~ the proposed activity, by virtue of its proposed location within a dwellinghouse, falls to the Health and Safety Executive for enforcement purposes.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.3 East Avrshire Council's Department of Education and Social Services has advised that the applicant is willing to co-operate with their recommendations regarding the safe operation of the proposed facility.

Noted.

3.4 Fenwick Community Council have not responded at the time of writing.

Noted.

4. REPRESENTATIONS

One letter of objection has been received from the Director of the food processing firm which operates from premises within Aitkenhead Farm. The grounds of objection relate to:

4.1 The company operates several commercial vehicles and receives daily deliveries, frequently made using heavy goods vehicles including articulated lorries. This, together with staff members' cars can amount to 30 to 40 vehicle movements per day.

The premises used by the food processing company lie within Aitkenhead Farm, immediately adjacent to the application site. The offices associated with the company are in the form of a portacabin which is situated within the courtyard area which the applicant proposes to use for car parking. (The Committee should note that the Planning and Building Control Division is presently considering an application for a Certificate of Lawfulness which proposes the relocation of the food processing business to Bonnyton Industrial Estate, Kilmarnock. Nevertheless, the Committee is required to consider the factors material to the present application as they currently stand). It is therefore considered that the operation of a child care facility in such close proximity to a commercial business operation which generates numerous movements of heavy goods and other vehicles, would not be in the best interests of the safety of the users of the facility.

4.2 Aitkenhead Farm is also a working farm.

It is not considered that the operation of a child minding facility in such close proximity to a working farm, where a number of children would be encouraged to attend the premises, would be in the best interests of the safety of the users of the facility.

4.3 The bend on the narrow road makes entering and leaving the premises a concern.

See Road's consultation response (3.1 above).

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 purpose of this application, the development plan comprises the approved Joint Ayrshire Structure Plan and the Adopted Stewarton Local Plan (1987). However, there are no policies within the Adopted Local Plan which relate specifically to this type of proposal.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications), the consultation replies and the objection detailed above.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed the East Ayrshire Local Plan (Finalised Version with Modifications) EALP should be considered as a prime material consideration. Policy IND 11 of the East Ayrshire Local Plan supports the operation of small businesses from residential properties subject to a number of criteria. This proposal can be accommodated in the existing building and will have no adverse effect on other residential properties. However, the proposal cannot be provided with adequate car parking to the standards of the Council as Roads Authority and is therefore in breach of Policy IND 11.

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 is indicated at paragraph 5.1 above there are no policies contained within the Adopted Stewarton Local Plan against which the application can be determined.

8.2 Given the age of the Adopted Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be

considered as a prime material consideration. The proposal is ,contrary to Policy IND 11 because of its implications for road safety.

8.3 The Roads and Transportation Division has advised that the existing building adjacent to the carriageway of the C85 prevents adequate sightlines from being achieved and as such, the development presents a road safety hazard. The Division also advises that the proposed parking and drop-off area is inadequate and that the alternative use of the lay-by on the C85 would also be inappropriate in terms of road safety .

8.4 With regard to the points raised in the letter of objection, the use of the adjacent premises as a food processing business and a working farm, both of which generate frequent daily movements of machinery an~ heavy goods vehicles, may represent a danger to potential users of the proposed facility .It is therefore considered that the proposed use, which would encourage young children to visit the premises, is not in the best interest of public safety.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons listed on the attached sheet.

Contrary Decision Note

Should the Committee agree that the application be approved contrary to the advice of the Head of Planning and Building Control, the application will require to be referred to the Development Services Committee for determination as it would represent a significant departure from Council policy with regard to road safety .

Alan Neish
Head of Planning & Building Control

12 March 2002

(DS/FD/)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Consultation replies.
3. Representations.
4. East Ayrshire Local Plan (Finalised Version with Modifications).
5. Adopted Kilmarnock Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Approved Strathclyde Structure Plan.
8. Statutory Notices and Certificates.

Anyone wishing to inspect the above papers please contact Derek Scott on 01563 576769.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0474/FL .

Site of Proposal: Aitkenhead Farmhouse
FENWICK
Nature of Proposal: Proposed Part Change of Use from
Dwellinghouse to Registered
Childminder/Part Daycare
Name & Address of Applicant: Mrs Phyllis Heads
Aitkenhead Farmhouse
FENWICK

Name & Address of Agent:

DPOs Reference: DS/FD

The above FULL application should be refused on the following grounds:-

1. The existing farm building which lies to the north of the access to the application site, prevents adequate sightlines from being achieved. Any intensification of the use of the access would as a result, represent a road safety hazard and would not therefore be in the best interests of users of both the highway and the proposed development.
2. The applicant has been unable to demonstrate that safe and adequate car parking and drop-off provision can be provided. The use of the lay-by adjacent to the application site on the C35 would not be in the best interests of road safety or of the potential users of the facility .
3. The proposed development would be contrary to Policy IND11 of the East Ayrshire Local Plan Finalised Version with Modifications because it is not provided with car parking to the standards of the Council as Roads Authority .

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