

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE :  
29 SEPTEMBER 2000**

**00/0278/FL : CHANGE OF USE OF RESIDENTIAL/CHILDMINDERS TO  
FORM DAY CARE NURSERY  
58 MAIN ROAD, FENWICK BY MR & MRS COOKE**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 It is proposed to change the use of the entire building to form a day care nursery operating from 7.00 am – 7.00 pm, 5 days per week.

The numbers of children catered for is estimated at between 30 and 40 but the actual numbers will fluctuate depending on the age group. The numbers of staff involved is confirmed at 7.

Access to the premises is proposed to be taken from the Main Road side via an existing gate. A specific off-street parking arrangement to serve the nursery is detailed within the application site and it involves the provision of a parking area to the immediate north of the building itself.

The building will be fitted internally with appropriate facilities as required by East Ayrshire Council's Education Department. Externally there are no alterations and the nursery will utilise the garden area which is low lying and enclosed for outdoor recreation purposes.

**2. RECOMMENDATION**

**2.1 It is recommended that this application be approved subject to the conditions on the attached sheet.**

**3. SUMMARY OF ANALYSIS**

3.1 It is considered that this proposal as an expansion of an existing use can be supported. The application is in response to a community demand and with the use of appropriate conditions can be provided with no significant detrimental impact on the adjacent residents or on the character of the village itself.

**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.**

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**Report by Head of Planning & Building Control**

**1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation because it has been the subject of objections.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site comprises a substantial two storey detached house on the north corner of the junction of Main Road and Maunsheugh Road, Fenwick. The house lies hard on Maunsheugh Road with a small verge and wide footway on its Main Road frontage. To the north lies a generous area of enclosed garden ground.

Currently the house is run partly as a childminders, the consent for this part change of use having been issued in June 1999 under delegated powers; (East Ayrshire Council application no: 99/0384/FL refers).

At the time of determining that application, information submitted by the applicant confirmed that no more than 8 children would be catered for. Currently up to 12 children are catered for at any one time.

2.2 **Proposed Development:** It is proposed to change the use of the entire building to form a day care nursery operating from 7.00 am – 7.00 pm, 5 days per week.

The numbers of children catered for is estimated at between 30 and 40 but the actual numbers will fluctuate depending on the age group. The numbers of staff involved is confirmed at 7.

Access to the premises is proposed to be taken from the Main Road side via an existing gate. A specific off-street parking arrangement to serve the nursery is detailed within the application site and it involves the provision of a parking area to the immediate north of the building itself.

The building will be fitted internally with appropriate facilities as required by East Ayrshire Council's Education Department. Externally there are no

alterations and the nursery will utilise the garden area which is low lying and enclosed for outdoor recreation purposes.

### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council's Roads and Transport Division are satisfied with the proposed details as amended but have confirmed certain requirements additional to the on site provision which would in their view allow the operation of the proposed nursery with no resultant traffic hazard. These requirements involve the widening of the footway in front of the building and at both sides of the Maunsheugh/Main Road junction and the installation of separate speed reduction measures more divorced from the site.

***These additional matters could be attached to any consent by means of a suspensive condition which would ensure the works were in place prior to commencement of use of the day care nursery.***

3.2 The Council's Community Services (Environmental Health) were consulted on the particular matter of potential noise disturbance and have confirmed that they have no comment to make on the application.

***Noted***

3.3 Strathclyde Police (who were consulted after receipt of comment from Fenwick Community Council see paragraph 4.1) have advised that proper and adequate provision must be in place to allow a safe drop-off environment. Accordingly they have confirmed that the requirements of the Council Roads & Transportation Division are satisfactory for their purposes.

***Noted***

3.4 Scottish Environment Protection Agency have raised no objection to the proposed change of use.

***Noted***

3.5 West of Scotland Water have made no representations in respect of this proposal, other than to seek contact with the applicant in the event of their being encountered a public sewer or water main.

***Noted. This can be addressed by a note attached to any planning consent.***

3.6 Fenwick Community Council have objected to the proposal on the basis of the existing childminders operation having given rise to traffic congestion at an area where Police regularly carry out speed checks. This intensification of use will generate additional traffic and a consequential increase in traffic hazard.

***Noted. As detailed above the Councils Roads & Transportation Division have confirmed their requirements on road safety matters.***

3.7 Pre Five Services, East Ayrshire Council Education Department have commented as follows:

1. This proposed nursery could accommodate a maximum of 35 children. It is probable that this number will be lower and will depend very much on the age group attending. An accommodation of 35 children would require a maximum of 7 staff. The nursery will cater mainly for children between 3-5 years with an after school service offered after 3 pm.
2. The owner wishes to operate the service between 7.00 – 19.00 hours.
3. It has been agreed that, should this nursery operate, children would enter from the rear of the property. A fenced pathway would separate this entrance from the garden outdoor play area.
4. The step area up and down between the kitchen and the lounge would need to be levelled.
5. A disabled person's toilet would have to be installed. The door entrance to the downstairs toilet may not be wide enough for this purpose.
6. The nursery would not supply food but a small kitchen area would provide facilities for the preparation of snacks. The owner wishes to install a partition/wall to divide the present kitchen.
7. A safety barrier/landing area would have to be installed at the top of the stairway.
8. One adult sized and one child sized sink is required in each playroom.
9. There is no designated parking area, however from Pre Five Services perspective, the road appears wide enough at this location to allow ease of access.
10. The building must comply with Fire Officers guidelines.
11. This service would be in line with the Childcare Partnership plans for the Fenwick Area. There is an audited gap in provision.

***Noted; whilst not all these observations are relevant to the determination of the planning application, conditions can be attached to any planning consent where appropriate.***

#### **4. REPRESENTATIONS**

Three letters of objection have been submitted in respect of this application, one of these being that of the Fenwick Community Council

4.1 In addition to the representations of the Community Council two letters of objection have been submitted from the nearest adjacent residents. One of the objectors has confirmed their concerns even with the amended plans. The grounds of objection are as follows.

4.2 Noise Pollution; the existing use of the childminders gives rise to significant noise disturbance and the new proposal would increase this nuisance to the further detriment of the amenity of the immediate area.

***Noted, it is accepted that the number of children catered for will increase but on the advice of East Ayrshire Council pre 5 Education Services, approximately 10-12 children will be permitted into the garden area at any one time. Therefore the degree of noise generated through the children's recreation should not increase significantly.***

***This particular aspect is obviously difficult to quantify given the character of the source of noise. It is therefore considered prudent to seek an additional acoustic barrier provision along the garden boundary the premises share with Maunsheugh Road.***

4.3 Traffic Congestion/Hazard. The existing premises currently generated on street problems of drop-off cars being parked at inappropriate and dangerous positions which make the existing Maunsheugh Road exceptionally difficult on occasions.

There will also be movement of children across Maunsheugh Road. The intensification of the use as a result of this application will result in an increase of this problem.

The road works detailed as necessary are unlikely to assist in day to day practice and will form a very busy corner site and junction.

***Noted both East Ayrshire Council Roads Division and the Strathclyde Police have been contacted and confirmed their position in respect of this proposal as detailed in paragraph 3.1 and 3.3 above.***

4.4 The conservation character of the village will be detrimentally affected by this proposal.

***Noted. The actual application site lies outwith the Laigh Fenwick Conservation Area and the proposal is a response to the Community demand for the facility within the village and its immediate environs. The main character of the premises will not be affected significantly but its presence on the street will be more obvious due to the roads requirements. It is anticipated that this aspect will be to the benefit of the safer operation of the nursery and can be presented in a manner which will not detract substantially from the character of the village.***

## **5. DEVELOPMENT PLAN STATUS**

5.1 Policy CS1 of the East Ayrshire Council Local Plan (Finalised Version) encourages the Council to respond positively to the changing needs of community facilities and to improving community facilities wherever possible.

***Noted, the positive support of this policy requires to be considered against the impacts of the proposal at this site.***

## **6. OTHER PLANNING CONSIDERATIONS**

6.1 Impact on Amenity of Adjacent Residents.

As detailed above (paragraph 4) the impact of this proposal is one of the most contentious issues. In particular the potential to generate a noise nuisance is the main concern. However in the absence of any support for this claim from the Councils Environmental Health Services it would be difficult to sustain a refusal as this basis. The comment from the objectors is based on perceived amenity prior to the operations of the existing childminders and it is not unreasonable for those parties to feel that the situation could be worsened. It is however considered prudent to seek an additional consolidation of the boundary treatment to secure an appropriate acoustic screen.

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

7.1 There are no Financial or Legal Implications for the Council in determining this application.

## **8. CONCLUSION**

8.1 It is considered that this proposal as an expansion of an existing use can be supported. The application is in response to a community demand and with the use of appropriate conditions can be provided with no significant detrimental impact on the adjacent residents or on the character of the village itself.

## **9. RECOMMENDATION**

**9.1 It is recommended that this application be approved subject to the conditions on the attached sheet.**

**Alan Neish  
Head of Planning & Building Control**

IW/FD  
21 September 2000

**FV/DVM**

### **LIST OF BACKGROUND PAPERS**

1. Application for/Plans.
2. Statutory certificates.
3. Letters of objection.
4. Previous application ref: 99/0384/FL).

Anyone wishing to inspect the above papers please contact Ian Walker on 01563 576769.

**Implementation Officer: Dave Morris**

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0278/FL

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Site of Proposal	58 Main Road FENWICK KA3 6AL
Nature of Proposal	Proposed Change of Use to Day Care Nursery from Residential/Childminding
Name & Address of Applicant	Mr & Mrs Cooke 58 Main Road FENWICK KA3 6AL
Name & Address of Agent	Mr John MacDonald 10 Hollow Park AYR KA7 4SR

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DPO's Reference IW/FD

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

1. The proposed development shall be carried out in accordance with the application form received on 25 April 2000 and the amended block plan received on 14 August 2000.

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

2. There shall be no commencement of the proposed use from the application site until the off street car parking area and entrance works as detailed in drawing no: PBC58-O1R2 have been completed to the satisfaction of the Planning Authority.

REASON In the interest of road safety.

3. No development shall take place until a scheme for the introduction of traffic calming measures in the adjacent road system on Main Road and Maunsheugh Road, having first been submitted to and approved by the Planning Authority, has been implemented in accordance with that approval. Such a scheme shall provide for the items in the attached plan A and shall include the following:

a. The grass verge over the frontage of the application site shall be upgraded to form a footway sufficient to allow children to be dropped off close to the facility without having to cross roads.

b. The junction of Maunsheugh Road and Main Road shall have build-outs to narrow the carriageway at this point.

c. Road markings and warning signs shall be placed in advance of the build outs.

**REASON** In the interests of road safety through the improvement of sightlines and creation of dropping off facilities.

4. Further details of screening along the boundary of the application site coloured blue shall be submitted to and approved by the Planning Authority prior to the commencement of development. Such details shall include measures to introduce improved acoustic properties to this boundary, and they shall thereafter be implemented prior to the commencement of the use hereby approved.

**REASON** In the interests of visual and residential amenity.

5. The business shall operate only between the hours of 7.00 am and 7.00 pm Monday-Friday.

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

#### NOTE TO APPLICANTS

1. Should the developer become aware of or discover any public sewers/water mains affected by this application they must notify West of Scotland Water immediately.

tp2458mainroadfenwick/iw.fd/5

**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.**

**AGENDA**