

Report

Report to:	Planning Committee
Date of Meeting:	14 May 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/0302
Planning proposal:	Change of use from Class 9 (Houses) to Class 8 (Residential institution) children's home

1 Summary application information

Application type:	Detailed planning application
Applicant:	BDT Care Solutions Ltd
Location:	Glengeith Farm Dumfries Road Elvanfoot ML12 6TF

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other information

- ♦ Applicant's Agent: Artel Associates Ltd
- ♦ Council Area/Ward: 03 Clydesdale East
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 3 Green belt and rural area
Policy 4 Development management and placemaking
Proposed SLLDP2
Policy 4 Green Belt and Rural Area
Policy 5 Development Management and Placemaking
- ♦ **Representation(s):**
 - ▶ 11 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 0 Comment Letters

◆ **Consultation(s):**

Crawford and Elvanfoot Community Council

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The applicant seeks planning permission to change the use of a traditional farm house to class 8 residential institution children's home. The property is a two storey detached house with its own access and small garden ground. The property sits to the front of a small farmstead with the other buildings and land surrounding the farm being used for sheep farming and farmed by a tenant farmer living on a nearby farm holding. The owner of the land is Leadhills Trust of Hopetoun Estate. The existing vehicular access is from the A702, Dumfries Road and is shared with the farm and the adjacent dwelling at 86 Dumfries Road. The application site is located in the rural area, just outside the southern settlement boundary of Elvanfoot.

2 Proposal(s)

- 2.1 The applicant seeks planning permission to change the use of an existing farmhouse to a small home from home style children's care home. They have agreed to rent the farmhouse from the landowner as the residential unit on this farm unit is surplus to requirements. The property is a traditionally constructed two storey farm house with car parking to the rear yard area and private garden areas to the side and front of the house. There is also a small garden shed located to the rear of the side garden.
- 1.2 No external alterations are proposed to the property and it will provide a full-time home environment for three young people aged between 8 and 18. Support and supervision will be provided by three staff members who will stay in the house on a shift pattern basis to provide one to one care.

3 Background

3.1 Local Plan Status

- 3.1.1 In terms of the Adopted South Lanarkshire Local Development Plan (2015), the site is located within the rural area where policies 3 - Green belt and rural area and 4 - Development management and placemaking apply and against which the proposal should be assessed.

3.2 Relevant Government Advice/Policy

- 3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) 2014 and this states that development should create more vibrant rural places and promote a pattern of development that is appropriate to the character of the particular rural area it is to be placed.

3.3 Planning Background

- 3.3.1 No planning history on this site relevant to this application.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Traffic and Transportation)** – no objection subject to the provision of adequate parking provision.
Response: If planning consent is granted then a planning condition will be added to the decision notice to ensure parking is provided as per the standards required.
- 4.2 **Crawford and Elvanfoot Community Council** – have objected to the application following consultation to the residents in the area of the application.
Response: The points raised mirror the issues raised by the residents in the 11 objection letters and these points have been addressed in section 5 below.

5 Representation(s)

- 5.1 Following the carrying out of statutory neighbour notification 11 letters of objection were received. The grounds of objection are summarised as follows:
- a) **As with existing residential care units in the area, the proposal would create anti-social behaviour and risk to local premises and local residents due to the possible nature of vulnerable young people using the facility.**
Response: Whilst there is no clear connection to the anti-social activities listed by the objectors and the residential care homes in the area, it should be noted that the nature of a young person residing in the any existing dwellinghouse or the proposed care home cannot be considered as a material planning consideration in assessing this application. Any anti-social behaviour, behavioural issues or criminal activities, vandalism etc. is a matter for the Social Services and or the Police to address.
- b) **It is not suitable as a care home for a young person due to its remote location and the distances from services and facilities with no social opportunities for children to integrate and develop the social skills required to live in a rural area. The use of the facility and its remote location puts additional pressure on police and health resources.**
Response: These are not material considerations in the assessment of this application. It should be noted that the house is an existing use which can be accommodated by young children. The children of the proposed residential care home would have the same opportunities as any new family moving into the house.
- c) **The facility would not be safe due to its proximity to a number of hazards in the area including, being next to a working farm, a main A class road with fast speeds and no footpaths, motorway nearby, railway line, watercourses, abandoned buildings etc. In addition due to its remote location the public road may be closed due to adverse winter weather therefore affecting staff supervision. The traffic assessment would also appear to be flawed as there is no mention of visits to or by social workers, doctors, or other professionals or the Police.**
Response: The proposed change of use from a dwellinghouse to a small scale care home for 3 people is not considered to raise any road or public safety issues as the nature and intensity of the use is closely comparable with a normal residential use of the property. Roads and Transportation Services have not raised any issues with the proposed use. The issue of potential road closures due to adverse weather is not a planning matter, in any case if the property was to be

closed off for a period then the staff on site would be in the property with the children. In terms of safety, the children have one on one care provision and, therefore, are arguably supervised more closely than a normal family living situation where you could have one adult caring for 3 or 4 children of similar ages to that proposed by this application.

- d) **There are four small children's homes within a 6 mile radius and these are all properties that were previously residential accommodation for local residents and their families. Local people find it difficult to access rental accommodation, or affordable homes to buy, and this proposal would take yet another building out of commission for the people that the area needs to retain and attract if we are to maintain a vibrant local community. It is important to our community that we can provide suitable accommodation for those young people and families that are essential to the sustainability of Elvanfoot and the adjoining communities, local schools and economic viability.**

Response: The proposed use will provide residential accommodation for three young people, who will use the same facilities, local schools and nearby resources as would anyone living in this property. The use also provides the opportunity for employment of people from the local area adding to the local economy and vibrancy of the area.

- e) **There has been no communication with local people about what types of children are to be housed here nor have BDT, the company making this application, made any attempt to converse with the residents of Elvanfoot, something which should have been addressed before any application was made. This is/was a quiet, safe environment, populated in the main by retired people who have chosen to spend their retirement here because it is a safe, quiet environment. We would like it to stay like this.**

Response: This residence will provide home from home style living accommodation for three young people with one to one adult supervision which is considered to be comparable with the existing use as a dwelling.

- f) **These service providers are opening more of these homes in rural locations where there is no opportunity or attempt to integrate residents into local communities and are instead isolating these residents in rural locations. This does not match the BDT Care Solutions Aims and Objectives in relation to ' Life, Social, Cultural activities ' as stated in their Statement. There seems to be no mention of the residents leaving the home aside from going to school so I assume the above mentioned Life, Social and Cultural activities are to be provided in Elvanfoot.**

Response: The operation of the home with regard to meeting the provider's own policies on integration is not a material planning consideration. Residents of the property will require, as with anyone living in this location, to make travel arrangements to access the resources in nearby settlements be this education, shopping, leisure and cultural facilities.

- g) **Has anyone carried out a study into the effects of windmills on autistic children? If not how can anyone be certain that such a repetitive environmental input would not be deleterious to the health of children.**

Response: This are not material considerations in the assessment of this application. It should however be noted that the applicant has stated that they do not currently care for children with autism.

- h) **I thought the aim for people with mental health problems or learning difficulties was for "care in the community", where is the community in Elvanfoot? How can a home in such a remote location promote involvement in the lives of these children of the parents of these children?**

Response: This is not something that would be assessed through the planning process. The provision of these facilities is assessed and controlled by the Care Inspectorate. In their additional supporting statement, the applicant stated that "In Scotland, care homes are regulated through the Care Inspectorate. A site visit has already taken place and the Care Inspectorate have confirmed that Glengeith is suitable for use as a children's care home."

- 5.2 These letters has been copied and are available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks planning permission to change the use of a dwellinghouse to Class 8 (Residential institution) children's home. The applicant has submitted a supporting statement explaining the need for a service to provide accommodation for three young people aged 8-18 years old with the full time support and supervision of three staff members for one to one care. The service will provide an environment where the specific needs of the individual can be assessed and assisted.
- 6.2 In view of the small scale and nature of the residential accommodation, similar to that of a traditional family home, it is considered that there would be no notable impact on the amenity of neighbouring properties. Car journeys into and out of the property will not be significantly different from that of a traditional residential unit with no issues being raised by the Roads Service.
- 6.3 A number of concerns have been raised by local residents and Crawford and Elvanfoot Community Council. The majority of these concerns are not relevant to the assessment of this application. All the points raised are addressed in section 5 above. None of the issues raised are of significant weight or relevance to the assessment of the proposed use to justify refusal of the application.
- 6.4 In summary, the proposal is a suitable development for the site and complies with local plan policy. It is therefore recommended that detailed planning consent for the change of use is granted.

7 Reasons for Decision

- 7.1 The proposed use of the building is considered to be a suitable use within the rural area. It is considered that it would not adversely impact upon amenity or the character of the surrounding area. The proposed development complies with the provisions of Policies 3 and 4 of the adopted South Lanarkshire Local Development Plan, and Policies 4 and 5 of the Proposed South Lanarkshire Local Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 18 April 2019

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated
- ▶ Consultations
 - Crawford And Elvanfoot Community Council 01.04.2019
 - Roads Development Management Team 04.04.2019
- ▶ Representations Dated:
 - Mrs Helen Muir, 5 Lodge Cottages, Village Road, Elvanfoot Biggar, South Lanarkshire, ML12 6TQ 16.03.2019
 - Mr Chris Trickey, 84 Dumfries Road, Elvanfoot, Biggar, South Lanarkshire, ML12 6TF 14.03.2019
 - Denise Lindsay, Via Email 28.03.2019
 - Mrs Julie Johnstone, 1 Station Road, Elvanfoot, Biggar, South Lanarkshire, ML12 6TG 28.03.2019
 - Mr Andrew Grant, 80 Dumfries Road, Elvanfoot, Biggar, South Lanarkshire, ML12 6TF 22.03.2019
 - Mrs Hazel Grant, 80 Dumfries Road, Elvanfoot, Biggar, South Lanarkshire, ML12 6TF 25.03.2019
 - Dr John Spence, Edgemoor, 1 Leadhills Road, Elvanfoot Biggar, South Lanarkshire, ML12 6TE 16.03.2019
 - Mr Gregor White, Elvanbank, 50 Dumfries Road, Elvanfoot Biggar, South Lanarkshire, ML12 6TF 16.03.2019
 - Mr Colin Mackie, 78 Dumfries Road, Elvanfoot, Biggar, ML12 6TF 26.03.2019
 - Mrs W Alexander, Fairhills, 72 Dumfries Road, Elvanfoot, ML12 6TF
 - Amanda Burgauer, Dunclutha, 60 Dumfries Road, Elvanfoot, ML12 6TF 03.04.2019 & 14.03.2019

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Steven Boertien,
Planning Officer,
Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 455116
Email: steven.boertien@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/19/0302

Conditions and reasons

01. Parking for the proposed development shall be provided to the following standard: a minimum of 4 car parking spaces, 3 for staff and 1 for visitors, 2 PTW (motorcycle) spaces and 1 cycle stand. All parking shall be provided and clearly marked prior to the use hereby approved is implemented.

Reason: To ensure the development has adequate parking provided on site.

P/19/0302

Ardochrig Highway, East Kilbride



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Scale:
1:8,000
Date:
18/04/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development