

Report

Report to:	Planning Committee
Date of Meeting:	30 August 2005
Report by:	Executive Director (Enterprise Resources)

Application No	CR/05/0182
Planning Proposal:	Erection of Children's Home for Eight Persons

1 Summary Application Information

- Application Type : Notice of Intent to Develop
- Applicant : SLC Social Work Resources
- Location : 1 Langlea Avenue
Cambuslang

2 Recommendation(s)

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

- (1) Approve Notice of Intent to Develop

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) If Committee are minded to grant consent, in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997, the application must be referred to the Scottish Ministers because the Council has an interest in the proposed development and a substantial volume of objections have been received.
- (3) In view of the number of objections received a hearing may be required prior to determining this application.

3 Other Information

- ◆ Applicant's Agent: Dalziel Design Partnership
- ◆ Council Area/Ward: 64 Cathkin/Springhall
- ◆ Policy Reference(s): Cambuslang/Rutherglen Local Plan 2002

Policy RES9 – 'Residential Land Use'

- ◆ Representation(s):
 - ▶ 45 Objection Letters and petition with 231 signatures
 - ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (North Division)

Architectural Police Liaison

Planning Application Report

1 Application Site

- 1.1 The application site relates to the former Cambuslang Training Centre at 1 Langlea Avenue, Cambuslang which has now been demolished. The proposed site covers an area of 1,900 sqm (0.19ha). The site is flat and sits directly opposite residential properties on Langlea Avenue both to the north and west. The nearest property to the north, number 34, is 48 metres from the location of the proposed building. The nearest property to the west, number 49, is 20 metres from the proposed building.
- 1.2 The remainder of the land on which the proposed site is located, covers an area of approximately 0.69ha. An existing access into the proposed site will be altered by the provision of a dropped kerb and re-surfacing.

2 Proposal(s)

- 2.1 The proposal is for the erection of an 8 person Children's Home over a combination of single and two storey. The section of the proposed building closest to residential dwellings is single storey and will be screened by landscaping and fencing.
- 2.2 The internal accommodation will consist of:
- Ground floor - 3 bedrooms, 3 toilets/bathrooms, kitchen/dining room, a study room, a quiet room, a lounge, a utility and storage facilities.
- Second floor - 4 bedrooms, 2 bathroom/toilets, a study room and storage.
- 2.3 The building will form an "L" shape with the two storey element to the east of the site running in a north to south direction. The single storey element is situated to the west of the site running in an east to west direction.
- 2.4 The building will be finished in grey concrete tiles on the roof and buff coloured polymer render with brown re-constituted stone on the walls. The closest a non-screened window comes from any house is 35 metres.

3 Background

3.1 Local Plan Status

The site is covered by Policy RES9 – "Residential Land Use" in the adopted Cambuslang/Rutherglen Local Plan.

3.2 Relevant Government Advice/Policy

None

3.3 Planning Background

A previous planning application for the site (CR/04/0367) was withdrawn on 29 November 2004.

4 Consultations:

- 4.1 **Road and Transportation Services** – the proposal provides acceptable parking and access arrangements.

Response: Noted

- 4.2 Environmental Services** – make comments relating to hours of construction, dust, ground contamination and food hygiene.

Response: Noted.

- 4.3 Architectural Police Liaison** – no comments received to date though any comments received will be reported verbally to Committee.

5.0 Representations:

- 5.1** Following neighbour notification 45 objections were received plus a petition with 231 signatures. The points raised are summarised as follows:

- a) The redevelopment of the site will cause major disruption as it is proposed over a 52 week period. This will lead to traffic problems, dust problems and unacceptable noise levels and will be accentuated by the construction of the new Cathkin High School proposed on the opposite side of Langlea Road.**

Response: It is acknowledged that there will, inevitably, be disruption caused by the construction of the building. This, however, is an accepted fact of any development. There is no suggestion that the construction period will be any worse than any other similar project. Environmental Services are responsible for monitoring and controlling any noise or dust which will occur. The Roads and Transportation Service are satisfied with the proposals.

- b) The proposal will constitute a risk of anti-social behaviour. The site is already a magnet for anti-social behaviour and the introduction of troubled teenagers will accentuate the situation.**

Response: The proposal is for the construction of premises, the use of which would be covered by Class 8 (Residential Institutions) of The Town and Country Planning (Use Classes) (Scotland) Order 1997. The class covers cases where both residential accommodation and care are being provided. This can be for people of all ages, including children. In these cases Planning Authorities are specifically advised that they are to concentrate on land-use planning considerations when determining applications. In this case the use being proposed – a home for children – is one appropriate to a residential area; and it is not of a scale (for 8 children) which I would consider, by itself, can be presumed to generate an impact on amenity or the environment which would be so significant or material that it would justify a refusal of planning permission. Similarly, it is not appropriate for the Planning Authority to assume that the occupants will routinely be involved in anti social behaviour. Problems of this nature, should they arise, are matters for the management of the facility and the Police.

- c) South Lanarkshire Council (SLC) should have informed each resident within a 2 mile radius of the site.**

Response: Neighbour notification requirements relate to informing any neighbouring owner occupier who:

- 1) Shares a boundary with the site
- 2) Is directly opposite the site
- 3) Is within 4 metres of the site and not already covered by the previous two requirements.

In addition to this neighbour notification, the application was advertised in the Rutherglen Reformer on 16th June, 2005 as a Notice of Intention to Develop (NID).

- d) There are other suitable sites for this development. There are no facilities in the area such as shops or youth clubs.**

Response: The site is in an established residential area. There is no suggestion that the proposal needs amenities more than any other residential dwelling in the vicinity.

- e) The proposal will negatively affect property prices. House sales have already been affected.**

Response: This is not a material planning consideration.

- f) The proposal will result in a loss of privacy due to the two storey element and the buildings proximity to existing houses.**

Response: There are no directly facing windows within 20 metres of each other as is required by the Council's Residential Development Guide. The two storey element has been designed into the middle of the building, some 30 m from the nearest house. The windows and doors on the ground floor will be screened by mature vegetation and fencing.

- g) The proposal doesn't blend in with its surroundings and is unsightly.**

Response: The proposal is of suitable design for the locality. The building will be finished in materials to blend in with the existing houses. This will be discussed further in Section 6.

- h) There will be an increase in traffic and noise as the home will operate 24 hours a day and 365 days a year.**

Response: The proposal is for accommodating 8 children or young people and 2-3 staff. The level of traffic generated by this will not significantly or materially affect the amenity of the area.

- i) The unit will have an adverse effect on the quality of life for the local community which is in breach of Scottish Executive Guidelines.**

Response: As discussed above, there is no suggestion that the children or young people using the site can be assumed, in planning terms, to have a detrimental impact on the locality as it is a proposal for residential accommodation in a residential area.

- j) It would be more profitable to sell the land for housing. This would help to reduce Council Tax.**

Response: Potential monetary gain is not a material planning consideration. The site is being used for a residential home. The remainder of the grassed area is to be developed in the future for housing.

- k) The creation of a well-screened lane between the existing house and the proposed development will become a haven for anti-social behaviour.**

Response: The lane is a Right of Way and must be kept open. Security and criminal behaviour are matters for the police.

- l) The building is larger than other buildings in the area.**
Response: Whilst it is acknowledged that the proposed building is larger than any other in the estate, it is significantly smaller than the previous building which has recently been demolished. Furthermore, the design principles of the new building are in keeping with a residential area.
- m) The common hatched area as detailed on the plan is owned by Langlea Residents Association.**
Response: Noted. However, no part of the proposal is situated on or will affect this area.
- n) The road structure has already been damaged by contractors.**
Response: This is a matter for the Roads and Transportation Service.
- o) There has been a distinct lack of consultations with the community, including a hastily organized information evening.**
Response: The applicant has carried out neighbour notification correctly and the proposal was advertised in the local paper. Any additional consultation exercise is a matter for the applicant.
- p) There will be no greenspace left after this and the construction of the new Cathkin High School.**
Response: This proposal takes up less space than the Adult Training Centre which formerly occupied the site. The other applications will be considered by the Committee when appropriate.
- q) The proposal poses a threat to child safety, particularly through traffic.**
Response: The Roads and Transportation Service are satisfied with the proposal.
- r) The proposed building will block out views.**
Response: Right to view is not a material planning consideration.
- s) There are too many developments in the area which will be a dangerous mix.**
Response: The proposal complies with local plan policy in terms of providing a residential accommodation within an established residential area.
- t) The Planning Department have the authority to stop an institution being built on a private estate.**
Response: The proposal is for a residential use, with associated care, within a residential area.
- u) There will be the need for increased policing on an already stretched Policing Force.**
Response: There is no suggestion that any of the occupants will break the law. If this is the case, it is a matter for the Police to determine each case individually.
- v) A better solution would be the use of foster parents for which the Government is providing more money.**
Response: This is a matter for Social Work Resources.
- w) The proposal does not represent value for money.**
Response: This is a matter for Social Work Resources.

x) The staffing costs are a waste of tax payer's money.

Response: This is a matter for Social Work Resources.

y) The existing access is specifically for an adult training centre.

Response: This is a legal issue. It will, however be altered by providing a dropped kerb and be fully surfaced. This will not increase the size of the existing access.

z) The children's social development and community integration will not be met.

Response: This is a matter for Social Work Resources.

aa) There will be 8 bedrooms and some can take more than one child, therefore there will be more than 8 children using the premises.

Response: There are 7 bedrooms proposed one of which is a twin room. Social Work has advised that the premises are for 8 children and young people.

bb) The site experiences drainage problems

Response: This is a matter for Building Control as and when a warrant is submitted.

cc) Maintenance levels and staff levels are generally poor in children's homes.

Response: This is a matter for Social Work Resources.

dd) There have been problems with a similar proposal in Cambuslang.

Response: Each case is treated on its own merits. Security is a matter for the applicant and the Police.

ee) The proposal should be integrated into a new housing estate as it is built rather than be forced into an existing estate.

Response: The proposal complies with the land use zoning for the area.

ff) What independent body will listen to any complaints after the proposal is constructed.

Response: This application requires to be referred to the Scottish Executive. After that, the Local Government Ombudsman would investigate any instances of procedural failure. With regard to the operation of the premises, should there be concern regarding its management these would initially be for Social Work to consider. Procedural failures in this regard could also be considered by the Ombudsman.

gg) There has already been increased graffiti and litter as a result of the Decant Facility in Springhall.

Response: This is a matter for the applicant, Police and Environmental Services.

hh) The application should be suspended until the Council lodge a detailed application for the whole site.

Response: This proposal should be considered on its own merits.

li) If the consent is granted, Council Tax rebates should be handed out.

Response: This is a matter for the applicant and the District Valuer.

jj) The Bankhead facility for which this proposal is replacing has been wrecked by the occupiers.

Response: There is no suggestion that this will be the case at the new facility. The security and internal operation of the facility is a matter for Social Work Resources.

kk)The proposal constitutes an infringement of civil liberties.

Response: This is a legal matter and not a planning matter.

ll) The proposal will create an increased level of fear amongst young and elderly residents in the estate.

Response: The proposal is for a residential land use. Again, any security or criminal issue is a matter for the applicant or the Police.

6.0 Assessment and Conclusions

6.1 The determining issue in this instance is the proposal's compliance with the adopted local plan.

6.2 The site is covered by Policy RES9 – “Residential Land Use” in the adopted Cambuslang/Rutherglen Local Plan 2002. The aim of the policy is that within residential areas, the Council will seek to protect their character and amenity while supporting, in principle, compatible uses. The policy, therefore, is aimed at resisting proposals which will detract from their character and amenity and supporting development which:

- ◆ Relates satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use;
- ◆ Does not impair the character and amenity of the area by reason of traffic generation, parking, visual intrusion, noise or emission of gases and particles;
- ◆ Does not result in the loss or damage to trees, spaces, bushes or hedges that make a significant contribution to the character of amenity of the area;
- ◆ is adequately serviced in terms of cycle, pedestrian and vehicular access, parking and accessibility to public transport;
- ◆ Does not have an adverse effect on public safety.

6.3 In terms of the adjacent and surrounding development, the proposal will result in a residential home for 8 persons. Whilst it will be larger than other houses in the vicinity, it will be significantly smaller than the Adult Training Centre which was previously sited at the location. The use of materials, provision of a garden and the design of windows is largely in keeping with many of the houses in the area. The building is a mixture of one and two storey and there are no habitable windows within 30 metres of any existing house.

- 6.4** In terms of character and amenity with specific regard to traffic generation, parking, visual intrusion and noise, there will be 8 persons staying at the house. In addition, there will be 2-3 staff at all times. As a result traffic movements will be low. Furthermore, the site is providing a car park and access arrangement with which the Roads and Transportation Service are satisfied. The existing access will be upgraded, in its existing location, by the provision of a dropped kerb and re-surfacing. The layout allows for additional parking if necessary. The facility also has pedestrian access available and is situated close to a main bus route. As a result of this there will be no detrimental effect on character and amenity.
- 6.5** In terms of open space and vegetation, during construction open space will be available on the remainder of the site. A large garden will be provided with the building and a hedge around the site will be formed, whilst a number of mature trees will be retained. No existing vegetation will be removed.
- 6.6** Moving onto public safety, the main issues relate to Roads and Transportation issues. These have been covered in paragraph 6.4 and 4.1.
- 6.7** This proposal is for the construction of premises covered by Class 8 (Residential Institutions) of The Town and Country Planning (Use Classes) (Scotland) Order 1997. In these cases Planning Authorities are specifically advised that they are to concentrate on land-use planning considerations when determining such applications. In this case the type of use proposed – a home for children – is appropriate in a residential area. Furthermore, it is not of a scale (for 8 children) which I would consider, by itself, can be presumed to have a significant or material impact on amenity or the environment. Similarly, it is not appropriate for the Planning Authority to assume that the occupants will routinely be involved in anti social behaviour. I am of the view the site can be adequately serviced and by virtue of a neutral, modern design, can blend in with its surroundings. As a result of the above, approval is recommended. Whilst it is not possible to impose legally binding conditions on a NID, I recommend that the requirements set out overleaf are treated formally. Social Work has indicated that they are acceptable to them.

Iain Urquhart
Executive Director (Enterprise Resources)

22 August 2005

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Roads and Transportation Services (North Division) 13/06/05
 - Environmental Services 08/07/05

► Representations

Representation from: Mr Nairn A McIntosh, 135 Langlea Avenue, Cambuslang, G72 8AN

Representation from: S Lang, 159 Langlea Avenue, Cambuslang, G72 8AN

Representation from: Mr Brendan Mullen, 66 Langlea Road, Cambuslang, G72 8HG

Representation from: Ms A I Borthwick, 66 Langlea Road, Cambuslang, G72 8HG

Representation from: J G Hughes, Shangri-la, Langlea Grove, Cambuslang G72 8DL

Representation from: Mr & Mrs J McLean, 81 Langlea Avenue, Cambuslang, G72 8AN

Representation from: Gail Paterson, 131 Langlea Avenue, Cambuslang, G72 8AN

Representation from: Brian Gallagher, 49 Langlea Avenue, Cambuslang, G72 8AN

Representation from: Mr A Crockwell, 50 Langlea Avenue, Cambuslang, G72 8SU

Representation from: Geraldine Penglase, 2 Burnbrae Drive, Glasgow, G73 5DS

Representation from: G C McGowan, 2 Burnbrae Drive, Glasgow, G73 5DS

Representation from: Brian B Welsh, 59 Langlea Avenue, Cambuslang, G72 8AN

Representation from: William Bradley, 53 Langlea Avenue, Cambuslang, F72 8AN

Representation from: Mrs Marian McKendry, 15 Langlea Drive, Cambuslang, G72 8EB

Representation from: Linda Begg, 64 Langlea Road, Cambuslang, G72 8HG

Representation from: William Farmer, 1 Langlea Gardens, Cambuslang, G72 8EE

Representation from: Mr K Melville, 46 Langlea Avenue, Cambuslang, G72 8SU

Representation from: S Chisholm, 11 Langlea Drive, Cambuslang, G72 8EB

Representation from: Eileen Gallagher, 49 Langlea Avenue, Cambuslang, G72 8AN

Representation from: John Chisholm, 11 Langlea Drive, Cambuslang, G72 8EB

Representation from: Mr & Mrs K O'Kane, 76 Langlea Avenue, Cambuslang, G72 8SU

Representation from: Mr D Dunn, 58 Langlea Road, Cambuslang, G72 8HG

Representation from: Brian Alexander, 51 Langlea Avenue, Cambuslang, G72 8AN

Representation from: Claire Cook, 43 Wallace WYnd, Cambuslang, G72 8SE

Representation from: P Graham, 8 Langlea Court, Cambuslang, G72 8HU

Representation from: L Graham, 8 Langlea Court, Cambuslang, G72 8HU

Representation from: David Sutherland, 94 Langlea Avenue, Cambuslang, G72 8SU

Representation from: Mr & Mrs S Hart, 95 Langlea Avenue, Cambuslang, G72 8AN

Representation from: Susan Bradley (no address on letter)

Representation from: Stuart Graham, 8 Langlea Court, Cambuslang, G72 8HU

Representation from: J Hyland, 66 Langlea Avenue, Cambuslang , G72 8SU

Representation from: Mr Steven Todd, 45 Langlea Avenue, Cambuslang, G72 8AN

Representation from: J Elliot, 144 Langlea Avenue, Cambuslang, G72 8SU

Representation from: Mr & Mrs W.M Arthur, 3 Langlea Drive, Cambuslang , G72 8EB

Representation from: Mr Neil Boyce, 145 Langlea Avenue, Cambuslang, G72 8AN

Representation from: Mr John Grant, 6 Langlea Drive, Hunterfield, Cambuslang, G72 8EB

Representation from: Ms Phyllis Grant, 6 Langlea Avenue, Cambuslang, G72 8EB

Representation from: Mr Gerry Bradley, 56 Langlea Road, Cambuslang, G72 8HG

Representation from: Ms Mary Boyce, 145 Langlea Avenue, Cambuslang, G72 8AN

Representation from: Mr & Mrs J. McCann, 81 Langlea Avenue, Cambuslang , G72 8AN

Representation from: Mr Brian Gallagher, 49 Langlea Avenue, Cambuslang, G72 8AN

Representation from: Ms Claire Shields, 152 Langlea Avenue, Cambuslang, G72 8SU

Representation from: Mr David McHarg, 121 Langlea Avenue, Cambuslang, G72 8AN

Representation from: Mr Michael O'Hara, 2 Langlea Drive, Cambuslang, G72 8EB

Representation from: Dr Alan Monaghan & Caitlin Loynd, 26 Burnfoot Crescent, Burnside, G73 5DT

Petition with 231 signatures

Contact for Further Information

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

Iain Morton, Planning Officer, Royal Burgh House, King Street, Rutherglen

Ext: 5138 (Tel : 0141 613 5138)

E-mail: Enterprise.cam-ruth@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That the landscaping scheme as shown on the approved plan shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building or the completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 4 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 5 That the Council as Planning Authority shall be contacted immediately if any material, which is suspected of being contaminated is encountered and an Action Plan shall be formulated and be available in the event of any contaminated material being encountered.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 To ensure the ground is suitable for development

For information only

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