
Report To:	The Planning Board	Date:	6 January 2021
Report By:	Head of Regeneration and Planning	Report No:	20/0255/IC Plan 01/21
Contact Officer:	Sean McDaid	Contact No:	01475 712412
Subject:	Use of building to provide 24 hour care and support to 4 vulnerable children at Cottage 32, Lloyd House, Faith Avenue, Quarriers Village		



SUMMARY

- The proposal complies with the Inverclyde Local Development Plan and the Planning Policy Statement on Our Homes and Communities
- Sixty seven representations have been received including thirty seven objections and thirty in support
- The recommendation is to GRANT PLANNING PERMISSION subject to a condition

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=QIYXNWIMII000>

SITE DESCRIPTION

The site is a detached building located towards the north-east boundary of the village and in close proximity to the River Gryffe. The building is currently unoccupied and surrounded by temporary metal mesh fencing.

The building is constructed in stone with slates on the roof and contains three storeys, with one of the storeys at basement level on its north side where the ground level is lower as a result of the topography.

Access to the building is taken past Sommerville Weir Hall and then via the access road that drops at a steep gradient between dwellinghouses to the north-west and around Cottage 30 to the south-east. This access continues onwards beyond the building. There is also an access that runs past the south side of Cottage 30 as well as Cottage 34 that leads to the south side of the building. The ground levels to the south of the building are elevated above the ground levels to the north and there is a retaining wall that runs between this building and Cottage 30 at the basement levels of both buildings.

PLANNING HISTORY

It is important to note the planning history of the building in the first instance. Planning permission IC/98/018 was granted on 9 March 1998 for a change of use of this building from a residential care unit to a private dwellinghouse. It is understood that the building was then occupied as a dwellinghouse. In a subsequent planning application in 2002 for a conservatory the application form refers to the existing use of the building as a "private dwellinghouse".

An application for a certificate of lawfulness (20/0009/CPL) in relation to the proposed use of the building to provide care and support for four children was submitted in September 2020. This application was made on the basis that there was no material change of use involved between the existing and proposed uses. The applicant considered the existing building to be a dwellinghouse under Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) and the proposed use to be a Class 9 use as well.

In considering an application for a certificate of lawfulness relating to a proposed use the planning authority needs to be satisfied as to the lawfulness of the existing use. In this case this would require evidence of continuous occupation of the building as a dwellinghouse for 4 years prior to the submission of 20/0009/CPL. However information provided during the course of the processing of 20/0009/CPL to the applicant by the owner of the building indicated the building was last occupied as a dwellinghouse in 2016. As continuous occupation could not be demonstrated 20/0009/CPL was withdrawn by the applicant on 27 October 2020 and this planning application was then submitted.

PROPOSAL

This application relates to the proposed use of the building to provide care and support for four vulnerable children. The intention is to provide a family home environment for the children to be cared for. It has been indicated by the applicant that they have suffered trauma from an early stage in their lives, resulting in the need to be looked after away from their family home.

It has been indicated that only the four children will reside in the property and they are to be supervised at all times, both inside and outside. The children are likely to be between 5 and 13 years old and the aim is for them to live in the building as long term placements. Staff is made up of two teams, comprising six day staff and four night staff, working a twelve hour shift pattern. A manager is to be based in the building 40 hours per week and the days and times will depend on the needs of the business.

This will result in there being 3 staff on shift between the hours of 8am and 8pm plus the manager and then two night staff between 8pm and 8am. There will be no overlap of shifts.

On the first floor there are four rooms which the applicant has indicated are to be the main bedrooms. On the ground floor there are 5 rooms which are to be used as an office, living area, kitchen, staff toilet and dining area. It has not been decided how the basement level is to be used however the applicant has indicated it is likely to be used for additional space for the children.

The applicant has indicated that there is parking for two cars immediately outside the building and further shared spaces for two cars in a communal area between the building and Cottage 30.

There are no external alterations indicated on the application. If there are to be external alterations these may require a separate planning permission.

DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 11 - Managing Impact of Development on the Transport Network

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards. Developers are required to provide or contribute to improvements to the transport network that are necessary as a result of the proposed development.

Policy 28 - Conservation Areas

Proposals for development within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area. Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

PLANNING POLICY STATEMENT ON OUR HOMES AND COMMUNITIES

Policy D - Residential Areas

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council's Planning Application Advice Notes Supplementary Guidance.

CONSULTATIONS

Head of Service - Roads and Transportation - Has advised on the required amount of parking, based on National Parking Standards, for the proposed development as a residential institution, which is 6 spaces.

PUBLICITY

The application was advertised in the Greenock Telegraph on 6 November 2020 as development affecting a conservation area and as there are no premises on neighbouring land.

SITE NOTICES

A site notice was posted on 6 November 2020 for a development affecting a conservation area.

PUBLIC PARTICIPATION

The application has been the subject of neighbour notification and 66 representations have been received of which 37 object and 29 support the application. The points of objection may be summarised as follows.

Structural/building related issues

- The building is in poor state of repair/fire damaged and not suitable for the proposed use and the garden is unsafe with exposed foundations.
- Health and safety concerns as there is no reference to a fire safety/sprinkler system.
- No access for emergency vehicles.

Amenity issues

- Lack of a garden around the property for the children.
- Poor access to the building, limited parking and poor road condition which is likely to be damaged during reconstruction and by additional traffic.
- Impact in terms of noise, disturbance, construction traffic and air pollution.
- Impact on the existing community as current amenities in village are poor and there are no amenities for children other than a small play park.
- Older children roaming around the village unsupervised/anti-social behaviour and impact on existing residents and their property.
- The proposal is not in line with similar properties in the village/existing residential care is provided to adults needing supported living or young adults with physical disabilities.
- Potential adverse impact on adjacent care facilities.
- Proximity to River Gryffe in terms of child safety and susceptibility to flooding.

Miscellaneous

- Questions over the available finance to the applicant and applicant has no track record.
- Impact on property values.
- Inaccurate information in the application form with regard to last use of the property, parking spaces (it is claimed there are none), no details of internal works, existing unauthorised works (replacement of windows).
- Local bats may be affected.

The points in support of the application may be summarised as follows:

- The building is in need of repair and the proposal will support this.
- The proposal is a good idea and to provide support for children, subject to Care Inspectorate requirements being met.
- The proposal will bring economic value to business in the wider area.
- An ideal location for the proposal.
- An asset to the community.
- There is a need for the type of proposal in this area.

- Proposed use accords with the ethos and history of the village and neighbouring care facilities provided by the Quarrier's charity.

In addition The Kilmacolm Civic Trust has no objections to the application as it will bring a building in poor condition back into use.

ASSESSMENT

The material considerations in the determination of this application are the Inverclyde Local Development Plan (LDP); the Planning Policy Statement on Our Homes and Communities; and the amenity impact of the proposal.

Policy 1 requires all development to have regard to the six qualities of successful places. The relevant factors in this instance are being "Distinctive" in contributing positively to historic buildings and places; being "Adaptable", in ensuring buildings can be adapted for a range of uses and avoiding creating buildings that will become neglected or obsolete; being "Resource Efficient" in making use of existing buildings; and being "Safe and Pleasant" in avoiding conflict between adjacent uses by having regard to adverse impacts that may be created by noise, and minimising the impact of traffic and parking on the street scene.



The site is located within a residential area under Policy D of the Planning Policy Statement on Our Homes and Communities where the general principle of re-using an existing building is acceptable. The building is unoccupied and its present condition, the condition of the associated grounds and its surrounding by temporary metal mesh fencing all has a negative visual impact on the site and surrounding area. Bringing the building back into use will result in the fencing being removed. Otherwise, in the context of the current application, there will be little change in the appearance of the building as no external alterations or extensions are proposed as part of this application. As noted above, any additional external improvements may need to be the subject of a further application. It

cannot therefore be concluded at this stage that there will be any impacts from construction traffic or associated air pollution.

As the building is to be re-used the proposal will be “Distinctive” in contributing positively to historic buildings and places; will be “Adaptable”, in ensuring the building can be adapted for another use, thus saving it from continuing to be neglected or obsolete; and will be “Resource Efficient” in making use of an existing building. It therefore follows that the proposal will result in the creation of a successful place by complying with these requirements of Policy 1.

In order to determine if the proposal would be “Safe and Pleasant” under Policy 1, the potential impact of the proposed use on existing properties also has to be considered. In this regard it is important to note that the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) defines Class 9 use as: *“a house, other than a flat, whether or not as a sole or main residence, by (i) a single person or by people living together as a family, or (ii) not more than 5 residents living together including a household where care is provided for residents.”* Under Class 9 the residents living together do not have to be related. The interpretation provided within Article 2 of the 1997 Order defines ‘care’ as meaning personal care including the provision of appropriate help with physical and social needs or support, and in use Class 8 (residential institutions) includes medical care and treatment.

Scottish Government Circular 1/1998 provides non-statutory guidance on the interpretation of the Use Classes Order and refers to the number of persons living together as a family or a household. It indicates that in the case of small residential care homes or nursing homes, staff and residents will probably not live as a single household. That use will, therefore, fall into use Class 8, regardless of the size of the home. However, the Order itself does not specify that within the terms of Class 9 the residents of a house must constitute either a family or a household. The Circular notes that Class 9 does not relate only to families and that it includes people living together under arrangements for providing care and support within the community. In relation to the advice on Class 9 it also notes that the single household concept provides more certainty over the planning position of small group homes, which play a major role in the Government's community care policy aimed at enabling vulnerable people to live in touch with the community. In the case of this proposal the care model includes support provided on a 24/7 basis by a team of adults on a rota system. The aim of the proposed development is to provide support over a longer period of time for vulnerable children in something approaching a “family” atmosphere and the accommodation to be provided is similar to that which would be found in a conventional family house.

It is accepted that there are features of the proposed use that differ from normal family occupation of a dwellinghouse. In particular, the number of staff involved in the care of the children may result in increased comings and goings at certain times and in turn result in more vehicle movements than would normally be associated with a family dwelling. There would be some regularity in the number of vehicular movements associated with shift changes and possible occasional comings and goings from other visitors to the property in association with the proposed use. However Class 9 does not specify what level of care is required, only the number of residents involved irrespective of whether they are children or not. Any comings and goings would therefore not be considered to be significantly greater than those of a family living in a house of an equivalent size.

As there are to be 4 children in residence in the building and that institutional care is not being provided the proposed use of the building would therefore be considered to be a dwellinghouse in planning terms under Use Class 9. While the proposed use has the potential to generate some extra parking and additional activity it is not considered that it would alter the character of the surrounding area or cause the property to fall within a different use class. If more than 5 children were to be cared for at any one time the use of the building would fall into Use Class 8 and would require a further planning permission.

It is therefore considered that the proposal will be “Safe and Pleasant” in avoiding conflict between adjacent uses/properties primarily as supervision is to be provided both inside and outside the building and would therefore comply with Policy 1.

The character of the Conservation Area is defined by its mainly residential nature which evolved out of the discontinuance of the use of the buildings formerly associated with the provision of care facilities within the Village. It should be noted, however, that some care provision remains within individual buildings and that there are also existing business operations. Therefore, whilst it is a mainly residential area, it is not exclusively so. As there are no external alterations detailed the proposed use of the building is not considered to conflict with Policy 28. In addition the principle of the provision of care in this instance would not be incompatible with care that is provided elsewhere in the village. The relationship of the care provision proposed to existing operations is not a material planning consideration.



With regard to vehicular activity the Head of Service - Roads and Transportation has no objection in terms of the impact on the roads network, adequacy of the roads, access to the building or emergency access arrangements. In terms of the amount of parking required, the proposed use is considered to be a Class 9 use as indicated above. As such it is considered that notwithstanding the request by the Head of Service – Roads and Transportation for the provision of 6 parking spaces, it is reasonable for the amount of parking to be the same as required for a dwellinghouse and 4 spaces is therefore considered acceptable and already available. Consequently it is considered that the proposal accords with Policy 11.

The support for the proposal is noted and in terms of the grounds of objection that have not been addressed above the following comments are made.

As indicated above supervision is to be provided both inside and outside the building however if there was any anti-social behaviour this would be a police matter. Such concerns, together with those relating to use of the garden area, are speculative and would not merit refusal of the proposal. In

terms of the structural condition of the building and any proposed works needed to bring the building back into use, these would be considered in a separate building warrant application. The building is located close to the River Gryffe however lies outwith the functional flood plain. The regulation of a care provider is carried out separately by the Care Inspectorate and has to be registered with them. Whether the applicant has a track record of providing this type of use or the finances to do so are not material planning considerations. The potential impact on property values is also not a material planning consideration. Although bats have been mentioned in the objections it has not been claimed that any are located within this building.

In conclusion, the proposal is considered to comply with Policies 1, 11 and 28 of the Inverclyde Local Development Plan and Policy D of the Planning Policy Statement on Our Homes and Communities and there are no material planning considerations that outweigh these policies.

RECOMMENDATION

That the application be granted subject to the following condition:

1. For the avoidance of doubt the building shall not be occupied or be a place of residence by more than five children to whom care and support are given at any one time.

Reason:

1. To ensure accordance with Use Class 9 of The Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) in the interests of planning control.

Stuart Jamieson
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