

KEY INFORMATION**Ward** West Ferry**Proposal**

Change of use of part of existing office premises to children's daycare nursery

Address

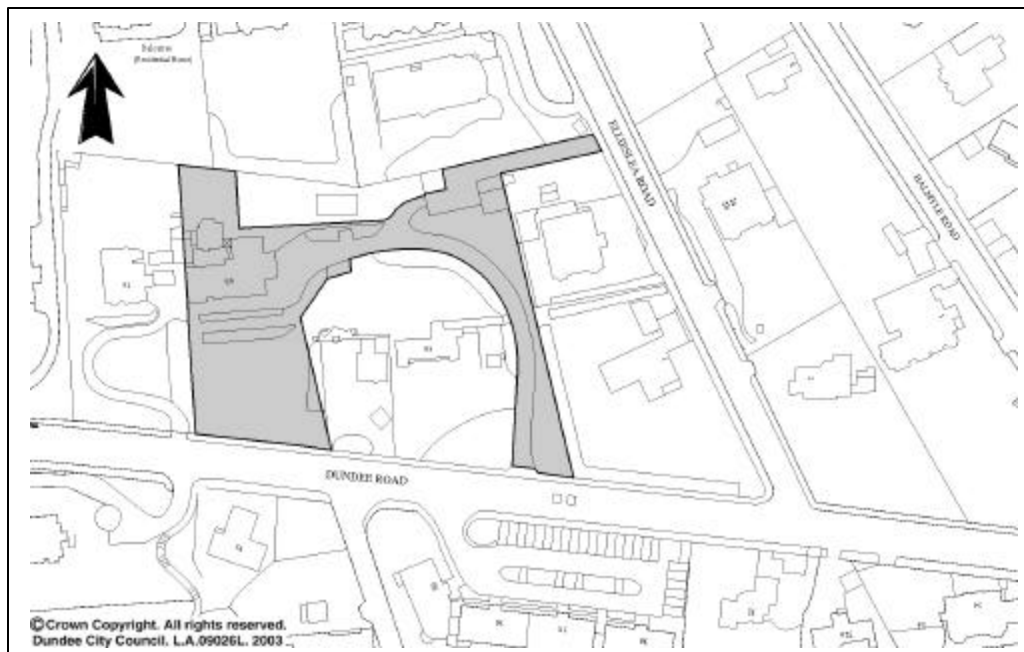
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Registered 13 Oct 2003**Case Officer** C Walker

Proposal for Childrens' Daycare Nursery in Dundee Road

A change of use from office premises to a children's daycare nursery is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development complies with the relevant policies in the Adopted and Finalised Local Plans relating to the provision of children's nurseries and the protection of residential amenity. In addition it is not considered that the development will lead to a traffic safety problem on Dundee Road. The applications is therefore recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought to change most of the building to a children's day-care nursery with the upper floor retained as separate offices. The proposed nursery would accommodate 50 children with hours of operation from 0800 to 1800 hours Monday to Friday.
- It is proposed to use the existing accesses from Dundee Road and Ellieslea Road and to increase the parking provision by forming 4 dedicated drop off spaces for the nursery, 4 spaces for nursery staff and 7 spaces for office staff.
- Policy SCE4 of the adopted Local Plan sets out criteria for day nurseries including their size, facilities and location and Policy H1 generally protects residential amenity. In the Finalised Local Plan Review Policy 1 generally protects residential amenity and Policy 19 sets out criteria for the establishment of private day nurseries.
- 4 letters of objection were received stating concerns about existing levels of traffic and congestion on Dundee Road and the impact of the development on residential amenity.

DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of the ground floor of the original house as well as a small part of the upper floor and the modern extension to the rear (north) to a children's day-care nursery. The remainder of the building (comprising almost the entire upper floor) would be retained as separate offices.

The proposed nursery would accommodate 50 children with hours of operation from 0800 to 1800 hours Monday to Friday. Outdoor play space would be provided in the rear garden to the north of the building, in a courtyard to the west of the building and on a more informal basis in the large landscaped garden area (some 970 sq. metres in extent) to the front of the building. It is anticipated that 12 people would work in the nursery and up to 15 in the upper floor offices.

It is proposed to use the existing accesses from Dundee Road and Ellieslea Road to serve the nursery but to increase the parking provision by forming 4 dedicated drop off spaces for the nursery, 4 spaces for nursery staff and 7 spaces for office staff. Small areas of shrub planting would be removed to provide additional parking.

SITE DESCRIPTION

The site comprises a substantial detached stone villa set in mature landscaped grounds. The building has been extended to the north with a flat roofed timber clad extension. The principal access to the site is from Dundee Road but there is a second access from Ellieslea Road. These private access driveways are approximately 5 metres wide and are shared with 2 modern houses built within the former grounds of the original house. A third house within the grounds has direct access to Dundee Road only.

The building sits close to the western site boundary and is separated from the dwelling to the west by a high stone wall. It overlooks a substantial landscaped garden to the south. To the north and north west are buildings a considerable distance away which are accessed from Albany Road. To the north east is a modern house which shares the same access driveway as the

application premises and to the south east are 2 modern houses, one of which shares the driveway and the other takes direct access from Dundee Road.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 1998

The following policies are of relevance:

Policy SCE4 sets out criteria for day nurseries including their size, facilities and location.

Policy H1 generally protects residential amenity.

Policies BE4 and BE11 relate to garden ground development and development within conservation areas. However as no new building work is proposed and as the alterations to the parking area are very minor it is not considered that these policies are material to the determination of this



application.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application.

Finalised Dundee Local Plan Review

The following policies are of relevance:

Application No 03/00793/COU

Policy 1 generally protects residential amenity and Policy 19 sets out criteria for the establishment of private day nurseries.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application.

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

LOCAL AGENDA 21

The proposed development involves the reuse of an existing building and is in an accessible location and can therefore be considered as sustainable.

SITE HISTORY

Planning permission was granted in November 2002 to change the use of the building to 4 townhouses but this consent has not been implemented - application ref. No. 02/00435/COU refers.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as potentially contravening Policy SCE4 of the adopted Local Plan (at the time of the application details on the number of children to attend the nursery had not been submitted). 4 letters of objection/concern were received from the occupiers of adjoining houses. All 4 are concerned about traffic

problems on Dundee Road. They feel that existing levels of traffic and congestion and difficulties using the access points at Taypark (on the south side of Dundee Road) and 95 Dundee Road are such that any further development should be opposed. In addition 2 of the objectors are concerned about the impact of the development on residential amenity in terms of noise and disturbance, cooking odours from the kitchen area, parking congestion within the site, inadequate parking provision and the

impact of providing additional spaces on the landscaped setting of the site. One of the objectors considers that these issues mean that the development will not comply with Policies H1 and SCE4 of the adopted Local Plan.

Copies of these letters are available for inspection in the Members Lounges and the points raised are considered in the Observations section of this Report.

CONSULTATIONS

No adverse comment on the development was received from Statutory Consultees.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

The subsections of Policy SCE4 relevant to a nursery of this size and at this location are as follows:

- a states that nurseries are acceptable in residential areas;
- b requires an outdoor play area of 500 sq. metres for a nursery of this size and this is easily met within the application site and
- c and d require 2 drop off spaces and 6 staff parking spaces and 8 spaces are proposed as part of this application.

The proposal was initially advertised as contravening Policy SCE4 because the applicant had not specified the number of children to be accommodated, the extent of outdoor play space and the details of the parking arrangements. Once these matters were submitted compliance

with Policy SCE4 was clearly established.

Policy H1 does not presume against commercial uses in residential areas provided that they do not adversely impact on residential amenity. Indeed Policy SCE4 identifies residential areas as being suitable for nurseries.

In this case there have been objections from 2 adjoining residents about noise and disturbance, cooking smells, congesting and parking problems and loss of some landscaping. 2 further letters were received about traffic on Dundee Road although these letters do not directly relate to Policy H1 considerations.

The application premises are set in extensive grounds. They have been in office use for a considerable period of time. The current occupiers (a firm of architects) state that they currently employ 22 members of staff but at one time employed up to 40 people.

There are a number of factors which suggest that the proposed development will not have an unacceptable impact on residential amenity such as to lead to a contravention of Policy H1 of the Local Plan. These are:

- i The premises are already in non residential use and although the current level of use is low, this could revert to a much busier situation.
- ii The hours and days of operation of the proposed nursery are such that any potential noise and disturbance should be minimal.
- iii The building is well screened from the house to the west by a high stone wall. The house to the north east is approximately 18 metres from the application premises at the nearest point and is screened by trees and shrubs.
- iv The provision of parking within the site complies with Local Plan standards and the removal of a small rockery will have no significant impact on the visual amenity of the area taking into account the extent of the landscaped grounds. Although there is likely to be additional traffic, particularly at the morning drop off time, it will be for a very limited period only and not at all at weekends.

- v The kitchen and dining area for the proposed nursery is small and sufficiently distant from neighbouring houses to ensure that there should be no problems with any cooking odours.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

The other material considerations to be taken into account are as follows:

- a The Finalised Dundee Local Plan Review
- b The concerns of the objectors to the application including the impact on traffic on Dundee Road.

Policies 1 and 19 of the Finalised Plan are written in almost identical terms to Policies H1 and SCE4 of the adopted Local Plan and the proposed development is considered to comply with these policies for the same reasons as it complies with the equivalent policies in the adopted Local Plan.

The concerns of the objectors in connection with residential amenity issues have been considered in connection with the assessment of the development under Policy H1 of the adopted Local Plan. It has been concluded that any impact on residential amenity will not be so injurious as to justify refusal of the application.

The issue of traffic safety on Dundee Road is a matter of concern to the objectors. However compared with existing traffic levels on this road, the impact of the proposed development will be minimal. In addition the second access point on Ellieslea Road provides the opportunity for traffic to avoid the Dundee Road access, particularly for turning right when leaving the site. The applicants had suggested imposing a one way system within the site with entrance only on Dundee Road and egress on Ellieslea Road. However this was not practicable because such a system could not be imposed on the occupiers of the 2 houses which share the site access points and larger vehicles cannot use the Ellieslea Road driveway. Nevertheless, as a matter of practice, it is likely that staff and

parents using the nursery, will tend to avoid right turning onto Dundee Road. In these circumstances and particularly taking into account the very small level of traffic involved compared to that using Dundee Road, it is not considered that the proposed development will lead to traffic safety problems such as to justify a refusal of planning permission.

It is concluded from the foregoing that insufficient weight can be accorded to the views of the objectors such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

Design

This is a change of use application where no alterations to the building are proposed so there are no design issues to be considered.

CONCLUSION

The proposed development complies with the relevant policies in the Adopted and Finalised Local Plans relating to the provision of children's nurseries and the protection of residential amenity. In addition it is not considered that the development will lead to a traffic safety problem on Dundee Road.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:-

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 The children's nursery shall operate between 0800 and 1800 hours on Monday through to Friday only and not at all on Saturdays and Sundays.
- 3 A maximum of 50 children shall be accommodated within the nursery at any one time.
- 4 Details of any outdoor play equipment shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

- 5 The arrangements for the drop off area and parking spaces to serve the nursery and the offices, as set out in Drawing Ref. No. SK003E shall be completed to the satisfaction of the Council prior to the first use of the nursery.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the use of the premises does not result in an adverse impact on the amenities enjoyed by surrounding residents.
- 3 To comply with Policy 19 of the Finalised Dundee Local Plan Review and to ensure that the use of the premises does not result in an adverse impact on the amenities enjoyed by surrounding residents by reason of excessive traffic or demand for parking spaces.
- 4 To ensure that any such equipment is of an appropriate scale and siting in relation to adjoining occupiers in the interest of protecting residential amenity.
- 5 To ensure that adequate arrangements are made for dropping off and parking in accordance with Policy SCE4 of the adopted Dundee Local Plan 1998 and Policy 19 of the Finalised Dundee Local Plan Review.