

**KEY INFORMATION**

Ward Balgillo

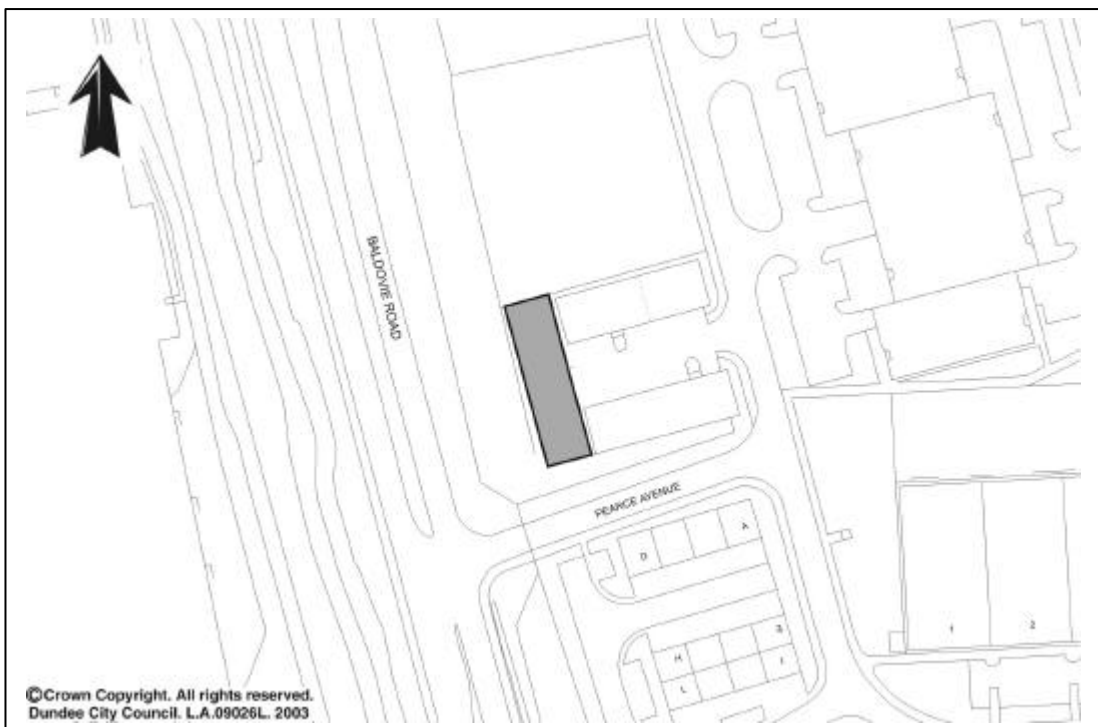
**Proposal**

Proposed children's nursery

**Address**Unit 1  
Ainslie Street  
West Pitkerro Industrial  
Estate**Applicant**Craze "A" Ltd  
Valgreen  
Murroes  
By Dundee**Agent**

Registered 22 Dec 2005

Case Officer C Walker



## Twenty Place Children's Nursery for West Pitkerro Industrial Estate

The proposed children's nursery unit is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation.

**RECOMMENDATION**

The proposed development contravenes Policies 19 and 24 of the adopted Local Plan and there are inadequate outdoor play space and access arrangements for this nursery and therefore this application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought to change the use of this vacant industrial building and the adjoining fenced compound to a nursery for 20 children. The plans indicate that a secure play area of some 85m<sup>2</sup> would be provided to the south of the building and the ground to the north of the building would be used for parking and for dropping off and collecting children.
- 3 letters of objection were received from the occupiers of adjoining industrial units who are concerned about traffic congestion and safety issues as well as potential noise from the use of the outdoor play area.
- The proposed use does not fall within the permitted uses for employment areas under Policy 24 of the Local Plan. In terms of Policy 19, the proposed development provides less than half the outdoor play area required for a 20 children nursery. Furthermore the arrangements for parking and the dropping off and collecting of children are inadequate.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of this vacant industrial building and the adjoining fenced compound to a children's nursery. It is indicated that 20 children would attend the proposed nursery and that there would be 4 staff members.

The plans indicate that a secure play area of some 85m<sup>2</sup> would be provided to the south of the building and the ground to the north of the building would be used for parking and for dropping off and collecting children.

## SITE DESCRIPTION

The site comprises a recently constructed industrial building with walls of blue metal cladding. The building has a plan area of some 140m<sup>2</sup> and it sits in a site of some 700m<sup>2</sup>. The site is fenced off from its neighbours and the boundary to Pearce Avenue is formed by a brick wall with railing.

It sits at the western end of a private courtyard serving industrial units on either side of it. There is no footway in this area. The unit immediately to the east sits just 1.2m away. These units use the courtyard for parking and servicing. To the west of the site is an area of landscaping adjacent to Baldovie Road.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan Review 2005

The following policies are of relevance:

**POLICY 24:** Principal Economic Development Areas - This policy states that these areas will be safeguarded for uses within Classes 4, 5 and 6 and that outer uses will be resisted.

**Policy 27:** Ancillary Services Within Economic Development Areas - This policy states that ancillary services, such as a children's nursery, are permitted within employment areas subject to meeting various criteria.

**POLICY 19:** Private Day Nurseries supports nurseries in accordance with the guidelines contained in Appendix 4 of the Local Plan. It states that nurseries should offer good quality facilities in a pleasant surrounding environment. The guidelines in Appendix 4 state that in employment areas one nursery on each industrial estate can be supported but for a nursery of 20 children at least 180m<sup>2</sup> of outdoor play space, which should be attractive, useable, safe and enjoy a sunny aspect, should be provided. Parking for a nursery of the size currently proposed should be 5 spaces. On sites such as this, parents should be able to pick up and set down children within the curtilage of the site, with vehicles entering and leaving in forward gear.



As the proposal does not meet these standards it was advertised as contravening the Local Plan.

### 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 is considered to be sustainable because it could provide the opportunity for people working in the adjoining employment area to use the nursery facility.

## SITE HISTORY

Planning permission was granted to erect this industrial unit in 2003 - application 03/00762/FUL refers.

There were 2 previous applications to change the use of the industrial building to the east of this site to a range of uses including a children's nursery. Application 01/30110/COU was refused in 2001 because it contravened Policy SCE4 of the then adopted Dundee Local Plan 1998 by reason of the inadequate arrangements for the safe dropping off and collection of children. A subsequent application for a similar development was withdrawn in 2002 - application 01/30463/COU refers.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 3 letters of objection were received from the occupiers of adjoining industrial units. The objectors are concerned about traffic congestion and safety issues within the courtyard area which they feel will be particularly problematic at certain periods. They state that HGV's and forklift trucks use this area to service the industrial units, that vehicles frequently reverse in this area and they refer to the absence of a footway. A concern about noise from the use of the outdoor play area has also been raised.

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 comments were received from Statutory Consultees.

## OBSERVATIONS

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

- whether the proposals are consistent with the provisions of the development plan; and if not
- 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 proposed use does not fall within the permitted uses for employment areas under Policy 24 of the Plan. However Policy 27 permits ancillary services, such as a children's nursery, within employment areas subject to meeting various criteria. However it is considered that the proposed development does not meet these criteria because there are not adequate arrangements for access and parking (see consideration under Policy 19 below) and the use is not in accordance with other Plan policies (again see consideration under Policy 19 below).

In terms of Policy 19, it is a requirement that nurseries should offer good quality facilities in a pleasant surrounding environment. In this case the proposed nursery does not provide a pleasant surrounding environment since it is on a very tight site which is extremely close to the nearby industrial units and the shared courtyard used for servicing and parking. The proposed development also provides less than half the outdoor play area required for a 20 children nursery. Furthermore the arrangements for parking and the dropping off and collecting of children are inadequate. In this case the nursery is accessed through the yard of the existing industrial units with a setting down area and car parking within the site. It is considered that the site does not have adequate enough space to incorporate the car parking and setting down area which would allow cars to enter and leave in a forward gear and a safe manner. It is also considered that if cars were unable to drop off within the site, parents would park on the street and walk past existing units to get to the nursery. This is clearly unacceptable in terms of both pedestrian safety and health and safety at work.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

## Other Material Considerations

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

- 1 The Views of Objectors

The concerns of the objectors about traffic congestion and safety issues within the courtyard area are considered to be valid and have been supported in the assessment of the proposals against Policy 19 of the Plan.

The concern about noise from the use of the outdoor play area is not supported. The play area is confined to the south side of the proposed unit and is reasonable well screened from other units. Any noise generated is unlikely to be significant particularly in the context of the immediate industrial setting of the site.

- 2 Provision of Nurseries in Employment Areas

Although the proposed use does not fit within Policies 24, 27 and 19 of the Local Plan, there clearly is support in the Plan for the provision of nursery facilities within Economic Development Areas. However the current proposals provide poor access arrangements, inadequate play facilities and an environment that is not particularly attractive due to the design of the existing building and the close proximity of adjoining industrial units. No overriding requirement for a nursery at this location has been established such as to overcome these many constraints and if such a demand could be proven then it is considered that it should be directed to more suitable sites within this employment area.

It is concluded from the foregoing that there are no material considerations such as to justify the grant of planning permission. It is therefore recommended that planning permission be refused.

## Design

There are no design issues associated with this proposal.

## CONCLUSION

The proposed development contravenes Policies 19 and 24 of the adopted Local Plan and there are inadequate outdoor play space and access arrangements for this nursery.

## RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reasons:

### Reasons

- 1 The proposed development contravenes Policy 19: Private Day Nurseries of the adopted Dundee Local Plan Review 2005 due to the inadequate provision of outdoor play space, the inadequate arrangements for access for both vehicles and pedestrians to the site and the lack of a pleasant surrounding environment due to the close proximity to adjoining industrial units. There are no material considerations that would justify the approval of the application contrary to the Development Plan.
- 2 The proposed development contravenes Policy 24: Principal Economic Development Areas of the adopted Dundee Local Plan Review 2005 because it does not fall within the range of permitted uses nor within the ancillary uses permitted under Policy 27: Ancillary Services within Economic Development Areas and there are no material considerations that would justify the approval of the application contrary to the Development Plan.