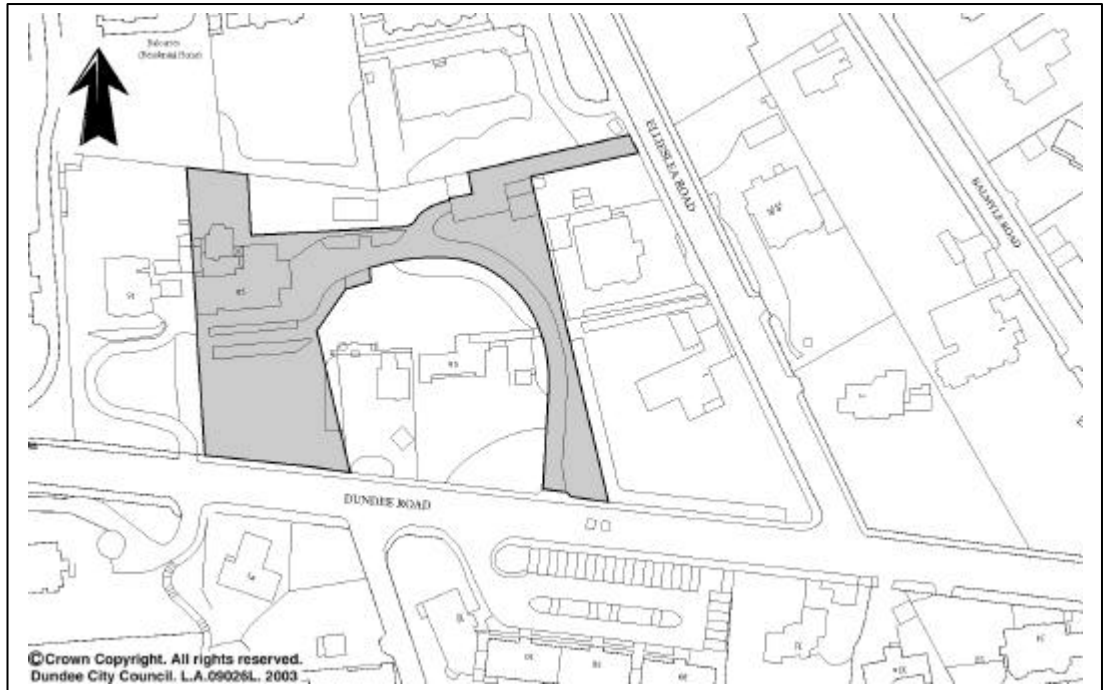


KEY INFORMATION**Ward** West Ferry**Proposal**

Change of use from office to office and children's daycare nursery

Address3B Ellieslea Road
Broughty Ferry
Dundee DD5 1JG**Applicant**Mr I Finnie
Links Nursery
48 Greenbank Drive
Edinburgh EH10 5SA**Agent**The Parr Partnership
Elliot St Mews
40 Elliot Street
Glasgow G3 8DZ**Registered** 9 September
2004**Case Officer** C Walker

Proposed Change of Use from Office to Daycare Nursery in Ellieslea Road

The Change of use from office to office and 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 considered that the proposed access arrangements will lead to an enhancement of traffic and pedestrian safety. The application 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 an existing access from Ellieslea Road only to serve the proposed development 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. The existing driveway to Dundee Road would be blocked by a barrier.
- 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.
- 2 letters of objection were received from neighbours stating concerns about the impact of the development on residential amenity and the suitability of the access from Ellieslea Road.
- 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 considered that the proposed access arrangements will lead to an enhancement of traffic and pedestrian safety.

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 access the proposed nursery from Ellieslea Road only. To achieve this it is proposed to install an electronic gate on the driveway from Dundee Road and signage on the premises as well as CCTV to ensure that parents dropping off and collecting children do not try to access the site from Dundee Road. Signage will also be used to indicate priority on the access driveway. Residents of the 2 houses sharing the driveways as well as larger vehicles could continue to use the Dundee Road access.

It is proposed 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:

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.

Planning permission was refused in January 2004 for a children's nursery at these premises - application ref no 03/00793/COU refers. The proposal had been recommended for approval and the reasons for refusal related to concerns about increased usage of the Dundee Road access and the adverse impact on residential amenity due to increased use of the driveway and noise from the nursery.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 2 letters of objection were received from the occupiers of adjoining houses. Both objectors consider that the previous reasons for refusal are still relevant albeit that there is no longer a proposed access from Dundee Road.

1 of the objectors states that the proposed access from Ellieslea Road is unsuitable for the level of traffic proposed because sight lines are inadequate and the route is narrow and twisty with no pedestrian facilities. Concerns are also voiced about the impact of the development on residential amenity in terms of noise and disturbance, traffic congestion within the site, inadequate parking provision, the introduction of CCTV, vehicle barrier and signage, refuse disposal and the impact of providing additional spaces on the landscaped setting of the site and the conservation area.

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

- 1 whether the proposals are consistent with the provisions of the development plan; and if not
- 2 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.

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, refuse disposal, the introduction of CCTV, vehicle barrier and signage, congestion and parking problems and loss of some landscaping.

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) have stated that they currently employ 22 members of staff but at one time employed up to 40 people.

There are number 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 It is not anticipated that refuse disposal in connection with the proposed development would be so extensive as to create a residential amenity problem. A planning condition can be imposed to ensure that adequate arrangements are provided.
- vi The proposed CCTV camera, signage and vehicle barrier are the minimum necessary to ensure that parents do not use the Dundee Road access to the nursery and have been designed to be as unobtrusive as possible.

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 suitability of the Ellieslea Road access and driveway.

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 and pedestrian safety and the adequacy of the access from Ellieslea Road is a matter of concern to one of the objectors. The applicants chose to put these alternative arrangements in place

because of concerns voiced by objectors to the previous application about the Dundee Road access and the decision of the Committee to refuse that application on traffic safety grounds.

The driveway from Ellieslea Road is sufficiently wide for 2 vehicles to pass except at 2 pinch points, 1 at the entrance gateway on Ellieslea Road and the other at a stone arch some 55 metres from Ellieslea Road. Signage is proposed at this archway to indicate priority.

The existing access at Ellieslea Road is a private driveway serving 2 houses and the office building. As has been previously mentioned, a more intensive office use (which did exist previously and could happen again without the need for planning permission) could lead to similar numbers of vehicles using this driveway as the proposed nursery. As a private driveway there are no sightline requirements for its junction at Ellieslea Road. At present there is reasonable visibility at this junction. The objector contends that this visibility is not effective because it is over private land but this land is in fact the unadopted footways beside the road and this means that the adjoining frontagers cannot reduce its effectiveness in any way

Ellieslea Road is approximately 8 metres wide at this location which allows vehicles to pass even if traffic was waiting on the road to enter the driveway. It is therefore considered that the development will not lead to traffic congestion or safety issues on Ellieslea Road.

The movement of vehicles and pedestrians within the site will depend on appropriate signing and this matter can be made a condition of any consent that is granted. Pedestrians can also use the Dundee Road access if they so choose. Whilst there may be more congestion at the morning arrival period this is counterbalanced by the traffic and pedestrian safety benefits of removing almost all traffic from the Dundee Road access.

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. The minor alterations to the area of shrubbery to accommodate additional parking will not have an adverse visual impact.

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 considered that the proposed access arrangements, with the closure of the Dundee Road access, will lead to an enhancement of traffic and pedestrian safety.

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. PL 3000C shall be completed to the satisfaction of the Council prior to the first use of the nursery.
- 6 The proposed arrangements to ensure that parents will not access the nursery by car directly from Dundee Road including signage, CCTV and the vehicle barrier, shall be fully implemented to the satisfaction of

the Council before the use commences and shall remain operational at all times thereafter.

- 7 Details of the proposed signage giving guidance on the shared usage of the Ellieslea Road access and the priority arrangements at the archway 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.
- 8 Details of proposals for the storage and disposal of refuse generated by the proposed development 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.

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.
- 6 In the interests of vehicle and pedestrian safety.
- 7 In the interests of vehicle and pedestrian safety.

- 8 In the interests of residential amenity.