

KEY INFORMATION

Ward Ardlar

Proposal

Change of use from computer business to private day nursery

AddressUnit 1 Day Nursery
42 Baird Avenue
Dryburgh Industrial Estate
Dundee DD2 3TN**Applicant**J Magennis
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Registered 15 Oct 2002

Case Officer D Gordon



Proposed New Children's Nursery in Baird Avenue

A Change of Use from Computer Business to Private Day Nursery is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The provision of a new children's nursery within Dryburgh Industrial Estate in the location proposed is considered acceptable and in accordance with the criteria requirements of Policy SCE4 of the Dundee Local Plan 1998 and the terms of the non-statutory review of May 2000. Accordingly, **APPROVAL** of the application with conditions is recommended.

SUMMARY OF REPORT

- Change of Use of a vacant industrial building to a new children's nursery is proposed within Dryburgh Industrial Estate.
- The site is identified as being in an area where the Council will encourage industrial and business uses as defined by Classes 4, 5 and 6 of the Use Classes Order 1997. The proposal does not fall within the stated acceptable land uses for the estate and consequently is considered to be contrary to the relevant industrial policies of the Plan
- The application is also considered under the terms of Policy SCE4 of the Plan that relates to new children's nursery provision within the City. This Policy was subject to a Non-Statutory Review that was approved by the Council in May 2000. The submitted details are in accordance with the criteria requirements of Policy SCE4 and the terms of the Review.
- No objections to the proposals have been received.
- The property under consideration is a small domestic scale industrial unit. The location, environmental quality, aspect, off street parking and outdoor play provision of the proposal are all considered acceptable for a new nursery within an industrial estate.
- The application is recommended for APPROVAL subject to conditions

DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of a vacant industrial building to a children's nursery with associated outdoor play space and off street parking. No external elevational alterations are proposed at this time

The applicants have advised that the nursery will be capable of accommodating a maximum 30 children with 8 staff members. Internally, the nursery will provide a mixture of play areas, quiet areas, storage, toilets, changing room, office and kitchen. The building has a gross floor area of approx. 288 sq. m..

A total of 8 associated off-street car-parking spaces, are to be provided to the south and east side of the property. Outdoor play space, approx. 310 sq.m. in total, is to be located to the south and west within the curtilage of the unit.

Access to the building is achieved from a common roadway that runs northwards from Baird Avenue and which also serves several other adjacent industrial units located to the north and east.

SITE DESCRIPTION

The site is located within the Dryburgh Industrial Estate on the north side of Baird Avenue. The property orientates in an east to west direction across the site and forms the southwest most unit of a cul-de-sac of small industrial buildings. The surrounding area is predominantly industrial in character. A Royal Mail building is located to the west and a Tesco Call Centre to the south.

The building fronts onto Baird Avenue and is single storey in height with facing brick walls and a profiled metal roof. There are currently 8 off street parking spaces located to the south side of the building. Parking also exists to the east. A narrow service access/yard is located on the west side of the building and a steep landscaped bank forms the northern boundary of the site.

POLICY BACKGROUND

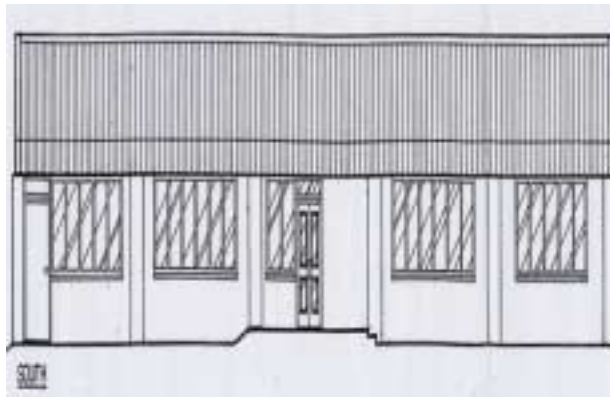
There are no National or Structure Plan policies of direct relevance to this application.

Dundee Local Plan 1998

Policy EU2 - The Council will encourage the establishment and retention of industrial and business uses as defined by Classes 4, 5 and 6 of the Use Classes Order 1997 and wholesaling of a type that does not generate large amounts of customer traffic.

Policy EU3 - The Council in support of Policy EU2 will encourage the redevelopment of poor quality buildings on prime industrial sites within the existing industrial estates along the Kingsway West Corridor to provide and reserve sites for business and industrial uses.

Policy SCE4 - In considering planning applications for day nurseries and private nursery schools, the local authority will take into account certain criteria relating to location, situation,



outdoor play area provision, parking and access.

This Policy was subject of a non-statutory review in May 2000 and this will be a material consideration in the determination of the planning application the subject of this report.

LOCAL AGENDA 21

The proposal complies with the broad aims of Agenda 21 as the development will meet local needs without significant impact on the environment or surrounding occupiers.

SITE HISTORY

There is no recent site history that is of direct relevance to the proposal under consideration.

PUBLIC PARTICIPATION

The applicants have carried out the relevant neighbour notification procedure in addition to the application being advertised in the local press as development potentially contrary to Policies EU2 and SCE4 of the Dundee Local Plan 1998. To date no objections to the proposals have been received.

CONSULTATIONS

The relevant Council Departments and outside bodies have been consulted with regard to the application. To date, no adverse comments have been received.

OBSERVATIONS

The determining issue for the Committee in this instance is:-

1 are the application details in accordance with the policies and proposals of the development plan and if not, are there any material considerations that support the granting of permission contrary to these policies and proposals.

The site is located within the Dryburgh Industrial Estate where the Council will encourage the establishment and retention of industrial and business uses as defined by Classes 4, 5 and 6 of the Use Classes Order 1997 (Policy EU2 refers). In this area the Council will also support the redevelopment of poor quality buildings (Policy EU3 refers).

The building in question has until recently been used for industrial purposes. The use of the property as a children's nursery does not fall within Classes 4, 5 and 6 of the Use Classes Order as outlined above and accordingly, the proposal fails to comply with the policy requirements of the Dundee Local Plan Policies EU2 and EU3 which relate to the promotion of industrial and business uses on prime industrial estates within the City.

The application also requires to be considered under Policy SCE4 of the Local Plan that requires that certain criteria should be taken into account when determining planning applications for new nursery provision within the City. This Policy was the

subject of a non-statutory Review that was approved by the Planning and Transportation Committee on 22 May 2000. This Review, which is a material consideration in the determination of this planning applications, was carried out in recognition of the pressure for expansion of nursery facilities and the need to identify criteria that would encourage a wider spread of quality nursery provision in appropriate locations throughout the City. Policy SCE4 identifies inter alia that locations for new nurseries in or adjacent to industrial areas may be acceptable providing certain criteria can be met.

The non-statutory review also advises of the acceptability of industrial areas / employment centres for new nursery provision. These locations offer the convenience of avoiding lengthy journeys to and from the workplace to the nursery but such locations should provide a good quality environment. However, the Review restricts such developments to only one nursery on each industrial estate and that nurseries providing more than 50 full time spaces (or equivalent) will not be generally permitted. Flexibility in this respect is offered if significant evidence of unmet demand is demonstrated.

Within 'Employment Areas' the Review requires that at least 300 sq. m. of outdoor play space should be provided for nurseries accommodating 11 - 50 children. This outdoor play area must be attractive, usable, safe and enjoy a sunny aspect. The new nursery must also provide 1 dedicated parking space per 3 staff members with an additional 4 spaces for facilities with more than 25 children.

The property in question is a single storey industrial building with a gross floor area of approx. 288 sq. m.. The property orientates in an east to west direction across the site and has a south facing aspect. Off street car parking spaces are located to the south and east and an open yard area / service access is located to the west. The submitted details advise that the nursery will accommodate a maximum of 30 children and 8 staff members. A total of 8 off street car parking spaces are available within the curtilage of the building and an area of 310 sq. m. has been identified for external play purposes. This external area is located to the south and west of the building,

has an open sunny south facing aspect and will be fenced for security purposes. Research into the existence of current nursery provision within Dryburgh Industrial Estate would suggest that while other sites within the estate have been the subject of informal enquiries, there are no other approved children's nurseries within this employment area. Taking into account the above, the application is considered to meet the criteria requirements of Policy SCE4 of the Dundee Local Plan and the non-statutory Review approved in May 2000.

Design

The proposal under consideration does not involve elevational alterations to the building. Consequently, there are no design issues to be determined in this instance.

CONCLUSION

The provision of a new children's nursery within this employment area is considered acceptable. The location, aspect, environmental quality, off street parking and outdoor play provision are all in accordance with the stated criteria of Policy SCE4 and its non-statutory Review. It is considered that the use of the building for nursery purposes will not prejudice the effectiveness of Dryburgh as a prime industrial estate. In this respect, taking into account the requirements of the Plan and all the relevant material considerations, support of the application is offered.

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 development hereby permitted shall not commence until details of the proposed fencing to be provided around the outdoor play area have been submitted to and approved in writing by the planning authority. The fence shall thereafter be erected in accordance with approved details prior to the

commencement of the use hereby permitted.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 in order to provide a safe and secure environment for the occupants of the nursery use hereby permitted