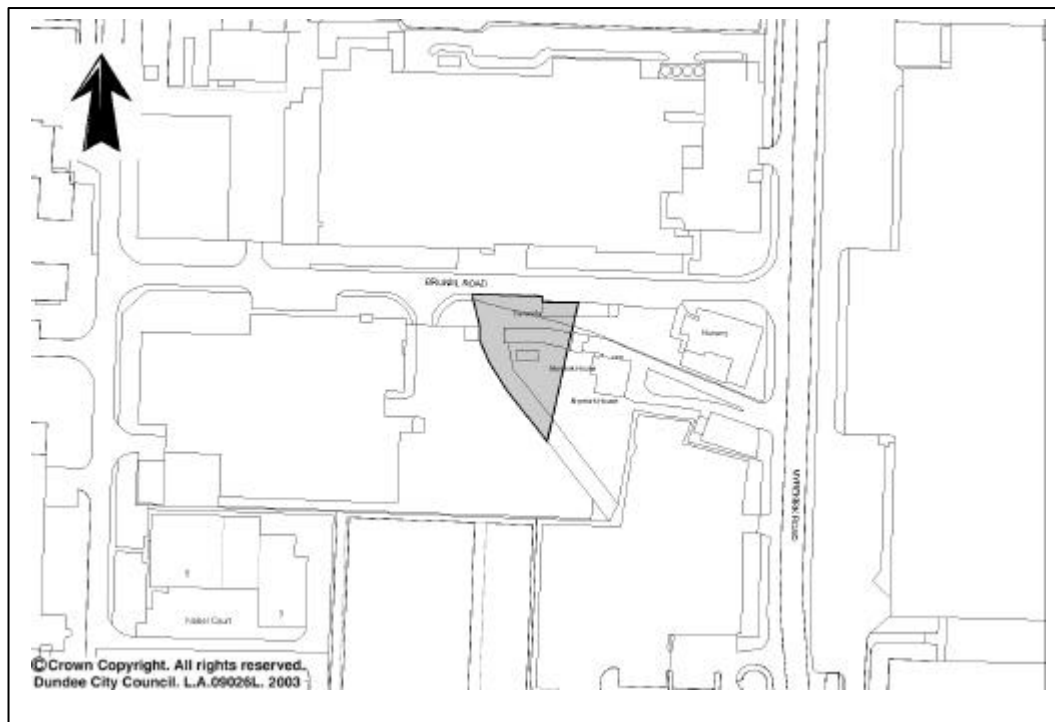


KEY INFORMATION**Ward** Camperdown**Proposal**
Erection of nursery**Address**
Land to west of Nursery
Brunel Road
Wester Gourdie Industrial
Estate
Dundee**Applicant**
Technotots
Brunel Road
Wester Gourdie Industrial
Estate
Dundee**Agent**
ARKTX Chartered Architects
20 Lammerton Terrace
Dundee
DD4 7BL**Registered** 19 Oct 2004**Case Officer** Eve Jones

Proposed Additional Nursery in Wester Gourdie Industrial Estate

The erection of a nursery is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal is contrary to Policy EU2 but complies with Policy SCE4 of the Dundee Local Plan. It complies fully with Policies 19, 24 and 27 of the Finalised Dundee Local Plan Review. It is considered that this is a material consideration in support of the application which is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a children's nursery to accommodate 40 children aged 0 - 2 years. The nursery will have enclosed gardens and parking for staff and visitors. The design is of a modern commercial building with an asymmetrical roof and decorative glazing panels on three sides.
- The site lies within an established industrial estate to the west of an existing children's nursery operated by this applicant which is intended to work in tandem with the proposed new nursery by catering for the 3 - 5 age group. There is a residential property to the south east and large industrial premises to the north and west.
- The proposal does not comply with Policy EU2 of the Dundee Local Plan which restricts developments to defined industrial and commercial uses. The proposal does comply with the Policy SCE4 relating to children's nurseries. The Finalised Dundee Local Plan makes provision for the development of ancillary services in such areas to provide for staff working in other businesses. The proposed nursery complies with Policies 24 and 27 and with the guidelines for children's nurseries required by Policy 19.
- The applicant has submitted detailed information regarding the waiting list of 41 of whom the majority of carers either live or work in the west of the City. The Care Commission also seeks separate facilities for 0 - 2 year olds and the close proximity of the two nurseries for different age groups will minimise journeys for carers with more than one child at nursery.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a children's nursery on land on the south side of Brunel Road in Wester Gourdie Industrial Estate. The building is single storey set back from the roadside parking area with play areas to the west and south. It will accommodate 40 children in the 0 to 2 years age group and will employ 14 staff. The building has a flat asymmetrical roof profile and is to be finished in grey render and timber cladding with dark blue wall cladding and roofing. There will be glazed feature panels in the north, west and south elevations with small windows to the east facing the adjacent residential properties.

SITE DESCRIPTION

The site is triangular with a wide frontage to Brunel Road, narrowing to a point at its southern end. It is flat and has derelict outbuildings in overgrown grounds. Myrekirk House which is a flatted property lies to the south east and the applicants existing children's nursery lies to the east. There are industrial units to the north and west.

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 EU2 Prime Industrial Estates.

Policy SCE4 Day Nurseries and Private Nursery Schools.

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 19 Private Day Nurseries.

Policy 24 Principal Economic Development Areas and Policy 27 Ancillary Services within Economic Development Areas.

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.

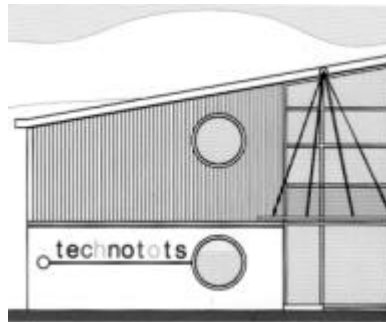
LOCAL AGENDA 21

Key Theme 7, access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all.

SITE HISTORY

03/00908/FUL - Erection of limousine hire depot, invalid application 04/02/2004.

04/00678/FUL - Erection of security fence, application withdrawn 24/09/2004.



PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as contrary to the Development Plan.

CONSULTATIONS

The Head of Environmental Health and Trading Standards seeks appropriate conditions with regard to contaminated land issues due to the nature of the proposed development and the user group for the premises. A condition to control noise from

mechanical and electrical services will protect the amenities of adjoining residents. The Forestry Officer seeks minimum standards for new tree planting.

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.

Policy EU2 Prime Industrial Estates. The policy supports the establishment and retention of industrial and business uses within the defined prime industrial estates. The proposed use does not fall within the uses detailed in the policy. The proposed development does not comply with Policy EU2.

Policy SCE4 Day Nurseries and Private Nursery Schools. The policy identifies criteria against which applications will be considered.

- A site in or close to a commercial or industrial area may be appropriate.
- A safe outdoor play space should be provided to a minimum size of 10 square metres per child if the nursery is for more than 24 children.
- Off street parking is required at a rate of 1 space per two staff members.
- Heavily trafficked roads will not be acceptable and 2 spaces must be allocated for parents to set down and collect pupils.
- Adequate sound insulation is required.
- The premises should be wholly or predominantly on the ground floor.

The site is in an industrial estate, adjacent to an existing building and a residential property. There are no

industrial premises very close to the proposed building which would impact on the environment enjoyed by the children. The two play areas total 480 square metres, the minimum required is 400 square metres. The play areas are fenced and on the west and south sides of the building open to the sun. Eleven car parking spaces are proposed and this complies with the criteria for both staff and parents. The parking area has a safe pedestrian route to the nursery and also to the adjoining nursery. The kitchen, toilets and quiet/sleep room are on the east side of the building to minimise any noise impact on the adjacent residential properties.

It is considered that the proposal complies with the criteria in Policy SCE4.

It is concluded from the foregoing that the proposal complies with only one of the two relevant policies and therefore 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:

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 19 Private Day Nurseries. The policy supports proposals which comply with the guidelines in Appendix 4 of the Local Plan. In general, developments which provide for more than 50 full time places or equivalent will not be supported. The Guidelines for nurseries in Employment Areas are:

- 9 square metres of outdoor play space per child for 11 - 50 children, up to a minimum of 300 square metres. Outdoor space must be attractive, usable, safe and enjoy a sunny aspect.
- 1 dedicated parking space per 3 staff members.
- 4 parking spaces for dropping off for units of more than 25 children.
- only one nursery on each industrial estate unless evidence of significant unmet demand within the particular estate can be demonstrated.

The proposal meets the requirements for play space and parking.

There is an existing children's nursery in this industrial estate on the adjoining site which is run by this applicant. The development of this proposed nursery is justified on the following grounds as submitted by the applicant.

Unmet demand - the applicant advised on 14 October 2004 that the existing nursery had a waiting list of 41 children. The submitted details indicate that in the majority of cases, the main carer either lives or works in the west of the City. Sixty percent of the waiting list children are under 2 years old, with 11 of those yet to be born.

Care Commission requirements. The Care Commission guidelines now promote the benefits of separate facilities for 0 - 2 year olds and the new building will address this whilst providing a close relationship with the existing nursery which will in future cater for 3 - 5 year olds.

Multiple trips. The location of the proposed 0 - 2 years facility adjacent to the 3 - 5 years building will allow carers who may have more than one child to make a single journey. This will enable children to move from one to the other with less disruption to their routine and in familiar surroundings.

It is considered that the applicant has submitted sufficient justification in respect of both the existing demand for places and the revisions to the proposed operations of both nurseries to meet revised Care Commission guidelines to justify the development of an additional nursery in Wester Gourdie.

Accordingly it is considered that the proposal complies with Policy 19.

Policy 24 Principal Economic Development Areas and Policy 27 Ancillary Services within Economic Development Areas. Policy 24 states that Principal Economic Development Areas will be safeguarded for specified industrial and business use which does not include nurseries. However exceptions where defined in Policy 27 will only be considered favourably where it can be demonstrated that the development will enhance the attractiveness of the area for further industrial and business investment. The development therefore falls to be considered under Policy 27.

Policy 27 Ancillary Services within Economic Development Areas recognises that such areas which are significant centres for employment often lack facilities such as childcare, cafes, banking facilities etc. Ancillary services which can be demonstrated to meet the needs of employees and complement existing businesses will be supported where they satisfy the following criteria:

- a access and parking arrangements are suitable for both pedestrians and vehicles.
- b attention is given to landscaping and boundary treatments.
- c noise impact and air quality studies may be required where appropriate.
- d the use is in accordance with other policies in the plan.

Access and parking is acceptable and in accordance with policy requirements. The boundary will be a close boarded fence to the adjacent residential property and the site will be landscaped. An appropriate condition will restrict any noise from mechanical or electrical services. The use does comply with the relevant policy as detailed above.

The site lies in an employment area, close to other large employment areas such as the Technology Park and Ninewells Hospital. It also lies in an area of the City where there are new and proposed housing developments. Carers usually seek nursery places close to their home or their work place. Reduction of unnecessary additional car journeys is important to reduce traffic congestion and the location of an additional nursery in this area is considered to have been justified by the submitted information. It is considered that the proposal complies with Policy 24 and Policy 27.

The proposed development complies with the policies in the Finalised Dundee Local Plan Review which is a material consideration in the determination of this application.

Design

The design is a modern commercial building which is suitable for this location on an industrial estate but is also colourful and welcoming with extensive glazed panels to the south and west overlooking the landscaped grounds.

CONCLUSION

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify the grant of planning permission contrary to the provisions of one of the relevant policies in the development plan. It is therefore recommended that planning permission be granted with conditions.

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 samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples
- 3 the landscaping including paving and footpath areas indicated on the approved drawings shall be completed in all respects, with the exception of tree and shrub planting, within three months of the first use of the building and that the trees and shrubs shall be planted within six months of that first use. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years from the completion of the scheme shall be replaced by trees or shrubs of similar size and species to those originally required to be planted
- 4 The proposed trees shall be minimum size 16 - 18 cms girth, rootballed and planted in accordance with BS 4043. There shall be no grass within 1/2 metre of the bole of the trees.
- 5 The boundary fence on the east side of the site shall be installed in accordance with the submitted details prior to the first use of the premises.
- 6 Prior to the commencement of development a comprehensive Site Investigation Report in accordance with PAN 33 Development of Contaminated

Land shall be submitted to and approved by the City Council.

- 7 Prior to the commencement of development any required remediation measures identified in the Site Investigation Report to be approved in accordance with Condition 6 shall be carried out and the completion of the works shall be notified in writing to the City Council for verification. No construction can commence until the verification process has been completed in writing
- 8 Total noise from all mechanical and electrical services shall not exceed NR45 during the day and NR35 during the night as measure 1 metre external to the nearest façade of either property in Myrekirk House. For the avoidance of doubt, daytime shall be 0700 - 2300 hrs and night time shall be 2300 - 0700 hrs.
- 9 A VA application is required by Dundee City Council as Roads Authority for the formation of the new footway crossing to the parking area. All related works shall be to DCC standards and specifications.
- 10 The parking areas shall be paved and drained as detailed and be provided before the nursery; the subject of this permission is first used and that area should not thereafter be used for any purpose other than the parking of vehicles.
- 11 Full details of the proposed SUDS shall be submitted to the City Council for approval and if approved, the development shall be carried out only in accordance with such approved details.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area

- 4 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
- 5 In the interests of the amenities of the occupiers of nearby properties.
- 6 In the interests of the safety of future users of the facilities hereby approved.
- 7 In the interests of the safety of future users of the facilities hereby approved.
- 8 n the interests of the amenities of the occupiers of nearby properties.
- 9 to ensure the provision of a satisfactory access to serve the development in the interest of road safety
- 10 to ensure that adequate manoeuvring and parking space is available to serve the development in the interests of traffic safety
- 11 to ensure a satisfactory standard of development.