

Erection of Nursery, Community Hub and Business Start Up Units

KEY INFORMATION

Ward East End

Address

Site of Douglas House
Balunie Drive, Dundee

Applicant

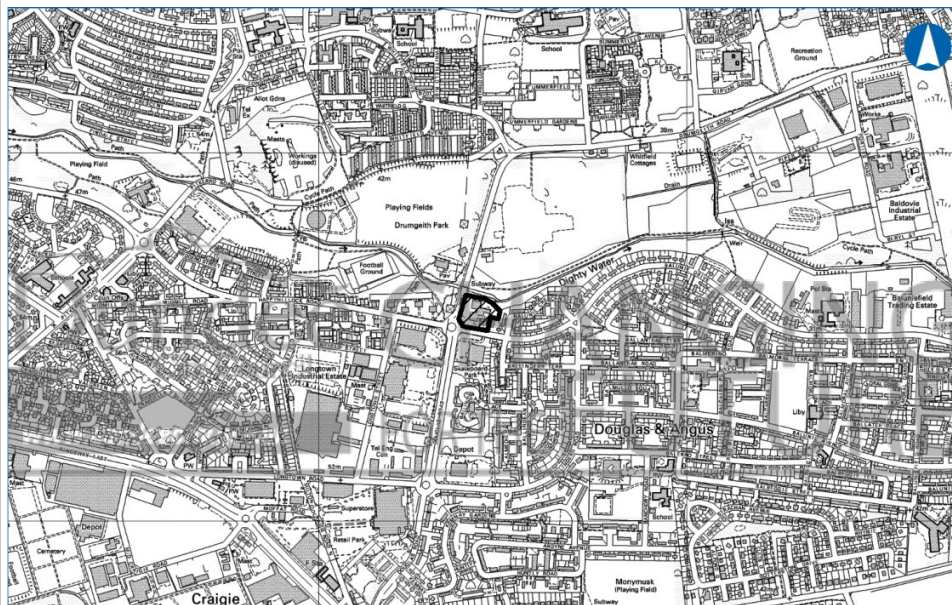
The Factory Skatepark (FAO
Mr Derek Marshall)
15 Balunie Drive
Dundee DD4 6PS

Agent

Gauldie Wright & Partners
FAO Peter Kingston
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Magdalen Yard Road
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Registered 16 Aug 2014

Case Officer Paul Macari



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SUMMARY OF REPORT

- This application seeks planning permission for a mixed use development comprising children's nursery, business start-up units and community hub with associated car parking and external multi-use games area (MUGA).
- Policies 7 (High Quality Design), 16 (Small Scale Commercial Uses Within Residential Areas), 17 (Community Facilities), 18 (Private Day Nurseries), 29 (Low and Zero Carbon Technology in New Development), 40 (Waste Management Requirements for Development), 41 (Flood Risk Management), 42 (Sustainable Drainage Systems) and 45 (land Contamination) of the Dundee Local Development Plan are relevant to the proposed development.
- 6 letters of objection have been received including a 24 signature petition.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=NAE3PHGCKMM00>.

RECOMMENDATION

The proposal satisfies the requirements of the Development Plan. The concerns of the objectors are not supported. There are no material considerations that would justify refusal of planning permission. Therefore, the application is recommended for APPROVAL subject to conditions.

1 DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission for a mixed use development comprising children's nursery, business start-up units and community hub with associated car parking and external multi-use games area (MUGA) on the site of the former Douglas House, Balunie Drive, Dundee.

1.2 The Nursery Building will provide Private Nursery Places for 72 Children. The provision of these spaces will give parents in the Douglas Area Child Minding Facilities and the Business Start-up/Community Hub will give parents the opportunity to re-train or return to work and/or start-up a new business venture.

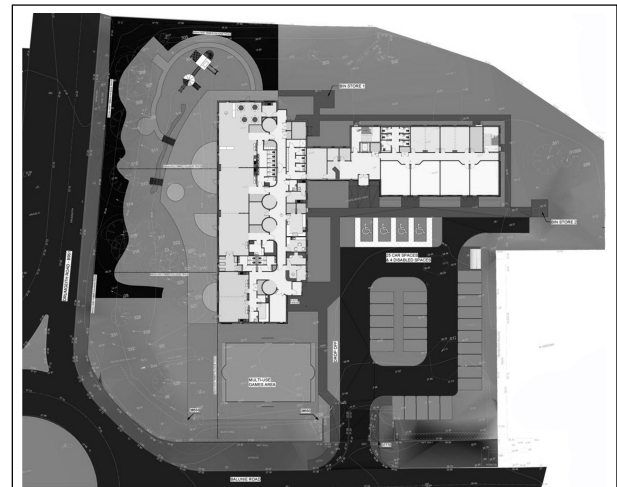


Figure 1 – Proposed Site Plan

1.3 The proposed development will comprise of a modern "L" shaped building positioned centrally within the site. The northern wing of the building will have a standing seam aluminium pitched roof. The western wing of the building will have mono pitched roofs. The western roof plane will be finished in sedum while the eastern roof plane will be finished in standing seam aluminium to match the northern wing. The elevations of the building will be finished in a combination of render, facing brick and rain-screen cladding.



Figure 2 – Proposed Elevations

1.4 The western wing of the building will be single storey and shall form a Children's nursery with a capacity of up to 72 children. The northern wing of the building will be two storeys with 4 business start-up units and 3 classrooms on the ground floor. On the first floor there will be a large open plan office and 3 meeting rooms. On each floor of the northern wing of the building there will be break out areas. To the west and north of the building there will be

an area of equipped outdoor play space amounting to 2,500m² serving the proposed nursery. The proposed MUGA will be located to the south of the west wing of the building. Vehicle access to the site will be taken from Balunie Drive. The vehicle access will lead to a 29 space car park to the east of the west wing and south of the north wing (front) of the building. The car park will include 4 accessible spaces and a drop off/ collection area for the proposed nursery. A cycle store will be provided within the car park.

- 1.5 Bin stores will be located to the north and east of the building. A footpath network will provide access to and around the building from Balunie Drive. The site will be enclosed by a 950mm timber palisade fence. A similar style of fencing will separate the outdoor play space serving the nursery from the MUGA and areas of open space serving the northern wing of the building.
- 1.6 A transport statement, planning design statement, tree survey, drainage design strategy and contaminated land risk assessment have been submitted in support of the proposed development.
- 1.7 In accordance with the Council's Scheme of Delegation this application is being reported to the Development Management Committee because the Director of City Development has recommended approval of planning permission and more than 6 valid objections have been received from neighbouring residents.

2 SITE DESCRIPTION

- 2.1 The application site is located on the northern side of Balunie Drive at the junction between Balunie Drive and Drumgeith Road. The site was formerly occupied by a sheltered housing/ supported accommodation complex operated by Dundee City Council. The site has been cleared and is sown in grass with mature trees and shrubs forming the boundaries between the site, Balunie Drive, Drumgeith Road, neighbouring houses and the Dighty Wildlife Corridor. The original vehicle access from Balunie Drive and a car parking area in the south eastern corner of the site remain.
- 2.2 Ground level within the site is elevated above Balunie Drive and Drumgeith Road. There is a small brick built retaining wall with ranch style timber fencing above separating the site from Balunie Drive and Drumgeith Road.

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance:

DUNDEE LOCAL DEVELOPMENT PLAN

Policy 7: High Quality Design

Policy 16: Small Scale Commercial Uses Within Residential Areas

Policy 17: Community Facilities

Policy 18: Private Day Nurseries

Policy 29: Low and Zero Carbon Technology in New Development

Policy 40: Waste Management Requirements for Development

Policy 42: Sustainable Drainage Systems

Policy 45: Land Contamination

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

4.1 There is no planning history of relevance to the outcome of this application.

5 PUBLIC PARTICIPATION

5.1 The Council has followed the statutory neighbour notification procedures. This application has also been advertised in the Dundee Evening Telegraph.

5.2 6 letters of objection have been received from local residents including a 24 signature petition. The concerns raised relate to:

- detrimental to residential amenity
- increased traffic
- noise nuisance
- road and pedestrian safety
- impact on privacy and overlooking of neighbouring properties
- impact on trees/landscape;
- impact on existing community facilities;
- size of nursery;
- impact on existing community facilities;
- the provision of industrial uses in residential areas;
- the introduction of retail; and
- contrary to the Development Plan.

5.3 Members will already have access to the letters of objection and the issues raised are considered in the Observations section below.

6 CONSULTATIONS

6.1 **Head of Environmental Protection** – the Head of Environmental Protection has confirmed that the contaminated land risk assessment submitted in support of the application is satisfactory and that site remediation and verification of remediation can be controlled by condition . It is also recommended that mechanical and electrical plant noise is restricted should planning permission be granted.

6.2 **Forestry Officer** – the Forestry Officer has recommended that tree protection measures and landscaping are controlled by condition should planning permission be granted.

- 6.3 **City Engineer** – the City Engineer is satisfied that the drainage strategy proposed will drain the development in a sustainable manner. In addition the City Engineer has confirmed that the drainage strategy proposed is unlikely to contribute to instances of localised flooding within the surrounding area during high intensity precipitation events. It is recommended that connection to Scottish Water's drainage network is controlled by condition should planning permission be granted.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

THE DEVELOPMENT PLAN

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

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.2 **Policy 7: High Quality Design** – Policy 7 is supportive of development that contributes positively to the quality of the surrounding built and natural environment. The design and siting of development should respect the character and amenity of the place and should create and improve links within the site and into the surrounding area beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.
- 7.3 The proposed building is of a scale, massing and design that is complementary to neighbouring houses, the adjacent Skatepark building and Douglasfield Leisure Park. Although the finish of the building is specified on the proposed plans no details of the colour of the finishing materials has been specified. Should members be minded to grant planning permission this matter will be controlled by condition.
- 7.4 The form of the building and its location blend with the wooded surroundings of the application site. Although the proposal involves the removal of many of the existing trees on site the protection of the remaining trees and the planting of replacement trees will be controlled by condition should planning permission be granted. This will ensure that the high quality environment afforded to the application site and adjoining houses is not diminished by the proposed development.
- 7.5 **The proposal satisfies the requirements of Policy 7.**
- 7.6 **Policy 16: Small Scale Commercial Uses Within Residential Areas** - Policy 16 is supportive of the development of small scale commercial services and facilities close to and within existing and proposed housing areas where they do not have a detrimental effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement, noise or smell.
- 7.7 The design and layout of the proposed development will have a minimal impact on the level of environmental quality afforded to neighbouring properties. The building has been sensitively designed and positioned so that no windows overlook neighbouring houses with the scale and massing of the building restricted to that of the former buildings that occupied the site. The landscaping and tree planting plan submitted in support of the development

demonstrates that the high quality setting of the application site will be maintained through the redevelopment of the site as proposed.

- 7.8 In terms of smell nuisance the kitchen serving the proposed nursery has the potential to generate odours that may cause nuisance to neighbouring houses. However, this matter can be controlled by a condition requiring the installation of a suitable form of extraction from the kitchen should permission be granted.
- 7.9 The potential exists for the community hub, MUGA and children's nursery to generate instances of noise and disturbance that will impact on the level of environmental quality afforded to local residents. The MUGA has been sited away from residential properties to minimise any impact on environmental quality. However, the potential for noise and disturbance from the general operations of the proposed development can be overcome by conditions restricting the operating hours and noise emissions from mechanical and electrical plant should the Committee be minded to approve this application.
- 7.10 The Transport Statement submitted in support of the proposed development demonstrates that adequate parking and drop-off/collection facilities will be provided within the curtilage of the application site to accommodate the additional traffic generated by the children's nursery, community hub, and business start-up units. The proposed development will not therefore have an unacceptable adverse impact on the level of environmental quality afforded to local residents by virtue of traffic movement and parking issues.
- 7.11 **The proposal satisfies the requirements of Policy 16.**
- 7.12 **Policy 17: Community Facilities** - Policy 17 is supportive of facilities which support and enhance education, health, safety and the overall quality of life by providing essential services, resources and opportunities. New community facilities should be located in locations convenient to the community they serve and readily accessible, particularly by public transport, pedestrians and cyclists. Joint developments with other agencies providing diverse but integrated community facilities will be encouraged.
- 7.13 The application site is located centrally serving the local communities of Whitfield, Douglas and Fintry. The site is accessible from within the surrounding communities by pedestrians, cyclist and public transport. The proposal will involve the creation of childcare facilities for working parents, a community hub where organisations can meet, business start-up units where people starting their own business can locate and find support, facilities for training and education and a MUGA for use by partnership organisations and the local youth. The proposals will enhance the level of support available to local communities.
- 7.14 **The proposal satisfies the requirements of Policy 17.**
- 7.15 **Policy 18: Private Day Nurseries** - Policy 18 is supportive of proposals involving the creation of nurseries where they meet the following criteria:
- a outdoor play space of 100m² for up to 10 children and 5m² per additional child will be provided;
 - b staff parking of one dedicated space per 3 members of staff will be provided;
 - c where on street parking restrictions exist, dropping off provision of 3 spaces for up to 25 children and 4 spaces for more than 25 children (up to a maximum of 50) will be accommodated within the curtilage of the premises, where a car can enter and leave in a forward gear; and

- d they are situated wholly or predominantly on the ground floor.
- 7.16 In general Policy 18 is not supportive of nursery developments providing more than 50 full time spaces for children. The restriction on child spaces relates directly to the level of environmental quality that will be afforded to nursery premises and neighbouring properties.
- 7.17 The proposed nursery facility exceeds the minimum criteria of Policy 18 ensuring that the children who will attend the nursery will be afforded a high quality environment within and outwith the building. Given that there are no other nurseries serving the communities of Whitfield, Douglas and Fintry, other than Council run facilities a new purpose built nursery with a capacity for 72 children, in a very accessible location close to the local communities it serves and benefitting from a high quality environment achieves the aspirations of Policy 18. In this instance the number of child places at the nursery is justified by the high quality environment, generous space standards and the minimal impact that this development will have on neighbouring properties.
- 7.18 **The proposal satisfies the requirements of Policy 18.**
- 7.19 **Policy 29: Low and Zero Carbon Technology in New Development** - Policy 29 requires proposals for new development to demonstrate how the proposal will reduce, by at least 10%, the Scottish Building Standards (2007) carbon emissions reduction standard.
- 7.20 To comply with the requirements of Policy 29 the submitted planning and design statement highlights that the building will be heated by air ground source heat pumps, will be naturally ventilated and will have PV panels installed on the southern roof plane. However, no specific details confirming compliance with the Scottish Building Standards (2007) carbon emissions reduction standard have been submitted. Should planning permission be granted this matter will be addressed by condition.
- 7.21 **The proposal satisfies the requirements of Policy 29.**
- 7.22 **Policy 40: Waste Management Requirements for Development** - Policy 40 requires development proposals to demonstrate that they adequately address the Council's waste strategy to reduce, collect, sort, recycle and re-use waste.
- 7.23 Two large refuse and recycling enclosures will be created to the north and east of the building. The enclosures will provide sufficient facilities to store refuse and recycling generated by the proposed uses in compliance with the Council's Waste Management strategy.
- 7.24 **The proposal satisfies the requirements of Policy 40.**
- 7.25 **Policy 42: Sustainable Drainage Systems** - this policy requires all new development proposals except for single houses or where discharge is to coastal waters to treat surface water by a Sustainable Urban Drainage System (SUDS).
- 7.26 The submitted drainage strategy demonstrates to the satisfaction of the City Engineer that the proposed development can be drained sustainably without contributing to instances of localised flooding in the surrounding area. The City Engineer has requested that evidence is submitted to the Council that connection to Scottish Water's drainage network can be obtained prior to the commencement of work on site. This matter will be controlled by condition should planning permission be granted.
- 7.27 **The proposal satisfies the requirements of Policy 42.**

- 7.28 **Policy 45: Land Contamination** - this policy requires development proposals for potentially contaminated brownfield land to be accompanied by a site investigation report with a satisfactory remediation strategy to treat and mitigate against the effects of the contamination identified by the site investigation report.
- 7.29 The Head of Environmental Protection has confirmed that the content of the submitted Phase 1 contaminated land risk assessment is satisfactory and has recommended that the implementation of the remediation strategy and verification of the remediation strategy are controlled by conditioned should planning permission be granted.
- 7.30 **The proposal satisfies the requirements of Policy 45.**

OTHER MATERIAL CONSIDERATIONS

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

A - VIEWS OF OBJECTORS

- 7.31 Six letters of objection have been received from local residents including a twenty four signature petition. The concerns of the objectors have been addressed in the assessment of the proposal against the requirements of the Dundee Local Development Plan above apart from concerns relating to the impact on existing community facilities, the provision of industrial uses in residential areas and the introduction of retail units.
- 7.32 The proposed development will enhance the range of facilities available to the local communities of Whitfield, Douglas and Fintry complementing the existing leisure and support facilities (The Factory Skatepark and The Fun Factory) provided by Factory IV Ltd. The running of the nursery, community hub, operation of the MUGA and business start-up units will be restricted to the applicant only if planning permission is approved. This will ensure that the proposed facilities do not compete with existing community facilities operated by Factory IV Ltd to the detriment of the local communities they serve.
- 7.33 The proposed business start-up units will provide small office, desk or business premises for new businesses to operate out of. The Community Hub will feature accommodation to facilitate employability/welfare services, meeting space, support group activity and rooms available for hire for activities/events. Although reference is made within the planning statement to the provision of retail space and garage sized units, the location of the application site is not appropriate for retail or general industrial uses falling within Classes 1 or 5 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended. Therefore, should planning permission be granted the use of the business start-up units will be restricted by condition.
- 7.34 The concerns of the objectors are not supported.
- 7.35 **It is concluded from the foregoing that the material considerations do not justify laying aside the provisions of the Local Development Plan to withhold planning permission.**

8 CONCLUSION

- 8.1 The proposal satisfies the requirements of the Development Plan. The concerns of the objectors are not supported. There are no other material considerations that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- 1 Prior to the commencement of work on site, details of the proposed finishing materials shall be submitted to the Council for written approval. Thereafter, the development hereby approved shall be finished only in the material approved by this condition.
 - 2 Prior to the commencement of development, a scheme of landscaping shall be submitted to and approved by the Council, and it shall include indications of all existing trees and hedgerows on this land, and details of any to be retained, together with measures for their protection in the course of development in accordance with BS5837:2012. Full details of new planting and landscaping shall also be submitted to and approved by the planning authority prior to the commencement of development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.
 - 3 Prior to the commencement of any works on site, evidence of Scottish Water approval for the proposed drainage system shall be submitted to the Council for written approval. Thereafter all works approved by virtue of this condition shall be carried out prior to the first occupation of the building hereby approved.
 - 4 A Sustainability Statement demonstrating the extent to which the development will meet the requirements of Policy 29 of the Dundee Local Development Plan shall be submitted for the approval of the Council and the works shall be completed in accordance with the approved Statement
 - 5 Development shall not begin until the investigation and risk assessment proposed in the submitted Phase 1 Geo-Environmental Desk Study by McGregor McMahon _ Associates dated August 2014 (Revision A) are completed and, if necessary; a remediation strategy to deal with contamination at the site has been submitted to and approved in writing by the planning authority. The strategy shall contain proposals to deal with contamination to include:
 - the nature, extent and type(s) of contamination on the site;
 - measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages;
 - measures to deal with contamination during construction works; and
 - verification of the condition of the site on completion of decontamination measures.
 - 6 Before the building hereby approved is occupied the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority
 - 7 The total noise from all mechanical and electrical services shall not exceed NR35 during the night time as measured 1 metre external to the facade of adjacent residential accommodation. For the avoidance of doubt night time shall be from 2300hours until 0700hours.

- 8 The proposed nursery development hereby approved shall be operational on Mondays through to Sundays between 0700hours and 2100hours only.
- 9 The proposed community hub, MUGA and business start-up units shall be operational on Mondays through to Sundays from 0800hours until 2100hours only.
- 10 Prior to the commencement of work on site, details of a kitchen ventilation and extraction system serving the nursery kitchen shall be submitted to the Council for written approval. Thereafter, the approved kitchen extraction system shall be installed and operational prior to first operation of the nursery hereby approved.
- 11 At no time shall the business start-up units hereby approved be used for purposes falling within Classes 1 (Retail) or 5 (General Industrial) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended.
- 12 The Children's Nursery and Business Start-up/Community Hub with associated car parking and external Multi-use Games Area (MUGA) hereby approved shall only be operated by Factory IV Ltd.

REASONS

- 1 In the interests of safeguarding visual amenity.
- 2 To ensure that the trees felled are replaced and the proposed development has a satisfactory external appearance in the interests of the visual amenities of the surrounding area.
- 3 To ensure that the site drainage system is designed and constructed to an appropriate standard as required by Scottish Water.
- 4 In the interests of facilitating sustainable development.
- 5 In order to ensure the site is fit for the purpose proposed.
- 6 In order to ensure the site is fit for the purpose proposed.
- 7 In the interests of safeguarding the level of environmental quality afforded to neighbouring residential properties.
- 8 In the interests of safeguarding the level of environmental quality afforded to neighbouring properties.
- 9 In the interests of safeguarding the level of environmental quality afforded to neighbouring properties.
- 10 In the interests of preventing instances of smell nuisance for occurring.
- 11 In the interests of safeguarding residential amenity.
- 12 In the interests of safeguarding the existing community facilities serving Whitfield, Fintry and Douglas.