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PLANNING STATEMENT

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94 MUIRDYKES ROAD, GLASGOW, G52 2QL PART USE OF DWELLING HOUSE AS CHILDMINDING BUSINESS (UP TO 12 CHILDREN) (RETROSPECTIVE)

01 Background:

The property at 94 Muirdykes Road is an end terrace two storey demi detached property with back and front garden and double parking provision, in an established residential area opposite the local primary school.

For a number of years the owner of the property has been running a day care service for up to 8 children which has proved very popular with families in the area.

This was subsequently increased to 12 children in response to demand. The service operates Monday to Friday from 8am-6pm. There is car parking provision for two vehicles on site in addition to on street car parking

It is worth noting that the Care Inspectorate who are responsible for ensuring that child care services meet an appropriate standard have found the services on offer to be of the highest standard.

In Spring of this year it was brought to the owners attention that the services on offer would require planning consent and that accordingly a planning application would require to be submitted.

In May 2021, an application was made for the proposed day care facilities(App Ref 21/01668/FUL) This was subsequently refused in July 2021.

The reasons cited for that determination related solely to the claimed negative impact on local amenity by the number of children involved.

It is felt however that the assessment of that application contained a number of inaccuracies and incorrect facts which resulted in a flawed decision, which has prompted this fresh application.

02 Proposal:

The proposed development is for the introduction of a day care service for up to 12 children, not all of whom will be on site at the same time. In addition to the applicant herself, occasional unpaid assistance is provided by the applicants mother and her sister who happens to be a paediatric nurse so the children are in excellent care.

Between 8-8.30 am the facility receives 6 children under the age of 5 with an additional 2 children over the age of 5.

At 8.45 the 2 children over 5 are escorted across the road to the primary school opposite where they pursue formal education.

In addition a further 4 children will use the services between 3pm and 6pm at which time the facility closes.

In the main the service is based indoor unless the weather is suitable for outdoor play.

Occasionally, on a special event such as when a birthday is being celebrated and the weather is conducive, a small bouncy castle may be inflated in the garden but this would only be up for a short period of time, and there may be no more than a few such occasions throughout the year. From time to time music may be played but this will be from a radio and not from a system with speakers. Objections to the previous application claimed that the noise from the electric generator used to inflate the structure would be noisy and impact on local amenity. In fact the type of mini generator used is the same as that provided with many cars to inflate a car tyre, football and garden pools and is considerably quieter than the majority of electric powered garden equipment such as lawnmowers, hedge trimmers, strimmers and pressure washers.

An issue with day care facilities especially when in residential areas can be issues involving car parking and conflict. In respect of this application the children will be at the facility by 8.30am while the children in the primary school opposite go in at 9am so there is no conflict. The application site also has within its own curtilage two car parking spaces.

03 Assessment against Policy

In determining an application the local authority are required to assess it in the context of the latest approved and adopted local development which in this case is the City Development Plan. Within that plan is a wealth of policies and guidance aimed at directing and controlling development in accordance with a set of policies. These can be broadly split into two categories, those which provide an overarching and broadbrush approach establishing the aims and objectives of the plan and those which offer a greater degree of direction and guidance on a range of specific subjects.

In the context of this proposal the relevant guidance is to be found in:

Policy CDP1-The Placemaking Principle

Supplementary Guidance SG1- The Placemaking Principle

Policy CDP1 fall into the formal category referred to above and aims to improve the quality of all developments taking place in Glasgow by promoting design led approach. This will contribute towards protecting and improving the quality of the environment, improving health inequality, making the

planning process as inclusive as possible and ensuring that new development attains the highest sustainable levels.

Supplementary Guidance SG1-Part 2- Commercial uses in Residential Properties

In general Supplementary Guidance develops the themes within other policies and provides more detailed direction and guidance to define more clearly what the plan is seeking and the requirements necessary to meet these demands.

In the context of this proposal the relevant guidance is contained within **SG1-Part 2** in that it relates to commercial uses with residential properties and the need for such developments to meet a set of specific requirements and “tests”, aimed at ensuring that residential amenity is not prejudiced by the introduction of non-residential uses.

In the main there is a presumption against the use of residential properties for commercial uses as many possible uses can involve noise nuisance, odours, dangerous processes, car parking and other activities likely to impact upon residential amenity.

However, not all commercial uses will impact on residential amenity and the guidance accepts that some commercial uses can be accommodated within the residential environment with little if any impact on the amenity of the residential area. In such cases the guidance requires that:

- i) It can be demonstrated that the proposed use will provide a beneficial service to the community.
- ii) The proposed use will not have a negative impact on the residential character of the area or on neighbouring properties and the quality of the area will not be affected.
- iii) The property has direct access to the street
- iv) The proposed use will not create parking/servicing problems on the street

It is also accepted that some business can operate within residential properties where the primary use remains that of residential and the proposed use has little impact on residential amenity. In such instances the council will have regard to:

- a The number of rooms which will be used in pursuit of the business
- b Likely number of staff which may be employed
- c The type of equipment which may be used/installed
- d The hours of operation
- e Will the use attract visitors and deliveries
- f Will there be a need for increased parking/servicing facilities

Response:

Addressing each of these aspects in turn:

- i) *Child care and child minding services are in short supply and in high demand. Within the local area there are no similar facilities. The need for and support for these facilities is evident in the letters of support which have been received a selection of which are attached. The fact that the application site is immediately opposite the local primary*

school is a major bonus in that it makes it possible for families seeking child care and taking older children to school can achieve both these functions on one car journey which is a positive benefit to the families but also to the environment as reducing car journeys is a major requirement in delivering a greener environment.

- ii) The proposed use will not involve any works or alterations to the property so there will be no negative impact on the streetscape or the character of the area. The service is essentially based indoors and will only utilise the rear garden when weather permits. While the total number of children which can be accommodated is 12 there will be few if any occasions when this number will all be together at one time. The service is tailored to suit staggered demand.*
- iii) The property is an end terrace dwelling with a back and front garden, and direct access to the street.*
- iv) The property has two parking spaces on site and there is on street parking available. The fact that there are parking restrictions on the opposite side of the road is not considered to be a problem due to the small numbers of children involved and the fact that the main group of children will be within the facility before those attending the primary school will arrive.*

In respect of sub sections a-f we would comment as follows;

- a The only rooms which will be used are the lounge, one bedroom and of course the kitchen and bathroom*
- b No staff will be employed though occasional assistance will be available from the applicants mother and sister.*
- c No additional equipment will be required though on the few occasions when additional equipment is on site it will in most cases be a small bouncy castle.*
- d The hours of operation are effectively 8am-6pm*
- e There will be no visitors and apart from parents dropping off children there will be no other vehicle movements and there will be no service deliveries.*
- f As referred to in (e) above there will be no requirement for additional parking/service facilities.*

It is evident from all of the above that this much needed child care service can operate within the guidelines established in the local development plan, and do so without impacting on the amenity or character of the local area.

04 Summary:

When the previous application was lodged and determined, the application perhaps failed to demonstrate the local demand and support for such a facility. It also failed to recognise that whilst the total number of children being catered for may be 12 it is unlikely that this number will ever be on the premises at the same time. It was also suggested that the facility would employ extra staff which was incorrect as the only assistance will be from unpaid family members.

Reference was also made to the noise implications and the noise emitted by generators used to inflate the occasional inflatable object. Contrary to the suggestion that the noise emitted impacts on the residential amenity the noise is no more than the sound of a tyre being inflated and less noisy than the majority of electrical garden equipment or pressure washers.

It has been demonstrated that car parking is not an issue as the drop off times for the facility are at variance with the drop of time for the primary school.

Indicative of the quality of the child care service being offered in this application is the fact it has the approval of the Care Inspectorate who are responsible for ensuring that all child care facilities accord with the highest standards. The demand for, and the support of the local community as evidenced in the letters of support reinforces that position, with a number of commentators expressing their gratitude that the facility exists and that it offers a quality service.

From the foregoing we believe that the proposed child care facility can be introduced into this property without impacting on the amenity of the area and that the service on offer will help meet a local demand and help redress local deficiencies in such services.