

4. AMENITY

Air Quality

- 4.1 New development should not result in the deterioration of air quality, particularly in (or adjacent to) Air Quality Management Areas (AQMA's). Further guidance will provide more detail on the way in which air quality and air pollution issues will be considered, see also SG 1 - Placemaking, Part 1.
- 4.2 This guidance will aim to:
- a) ensure air quality is properly considered in the planning process and identify developments where air quality may be a material consideration;
 - b) identify developments where an air quality assessment will be required;
 - c) provide guidance on the process of air quality assessment; and
 - d) set out the Council's approach to the use of planning conditions and planning obligations in respect of air quality.
- 4.3 It is advised that developer liaise with the Council in the early stages of the planning process. Pre-planning application discussions can be very useful to determine if air quality issues are likely to be a significant consideration.

Noise

establish appropriate noise assessment criteria to avoid unnecessary delay in the planning process.

- 4.4 Further guidance on Noise Management will help to ensure that developers:
- a) understand the impact not only of noise but also vibration on the community; and
 - b) realise the role they can play in mitigating the intrusion of such nuisance on a development's surroundings, in order to reduce the loss of any public amenity.
- 4.5 This further guidance will:
- a) give developers the relevant information on noise and vibration when dealing with the planning process;
 - b) takes account of current policy and legislation in relation to planning and noise; and
 - c) provide information about undertaking a noise assessment, where this is required to determine a planning application.
- 4.6 It is advised that developers liaise with the Council's Environmental Health Service in the early stages of the planning process. Pre-planning application discussions can be very useful to determine the risk of noise being a significant consideration and to identify the supporting information and detail on noise likely to be required.
- 4.4 Prior to commencing any noise impact assessment, the appointed noise consultant should contact the Council's Environmental Health Service to agree the relevant noise assessment methodology and

Outdoor Access and Play

- 4.7 This guidance complements, and should be read in conjunction with, SG11 - Sustainable Transport, SG1 - Placemaking, Part 1 and SG6 - Green Belt and Green Network. The steps outlined below aim to provide an holistic approach which encompasses both the statutory and general design elements specific to delivering outdoor access and play opportunities within new development.
- 4.8 In terms of access, early site assessment should consider existing public use, see also SG 1 - Placemaking, Part 1, The Placemaking Design Process. This should include not only formal and statutory paths (such as rights of way, core paths and promoted cycle routes) but also unsurfaced 'desire lines' and areas used for informal recreation, such as dog-walking or horse-riding. Even where there are no existing formal paths, a site may be well-used by the public and a valuable community resource for active leisure.
- 4.9 Since 2003, a general 'right of access' has applied to most open sites. Prior to 2003, public rights of way may have been established through continued use over 20 or more years and these can only be altered through a statutory process. The path network beyond the site boundary should also be identified at an early stage, along with nearby trip generators such as schools, shops, greenspaces and other local facilities, in order to inform the provision of new routes.
- 4.10 Developers should consider:
- a) how any existing public use of the site will be accommodated within the new layout (through retention of existing routes and/or provision of new paths, roads, footways and open spaces);
 - b) how continuity of access will be provided during construction;
 - c) how latent demand can be provided for (i.e. links to trip generators previously identified);

- d) the needs of all users (for example, older people, children and families, commuter cyclists, dog-walkers, people with mobility and other impairments, etc);
- e) whether any statutory routes (rights of way, core paths and dedicated cycleways) may be affected by the proposed layout. Stopping-up and/or diversion orders (which involve a statutory consultation phase), may be required;
- f) how new paths will perform over time and how the maintenance burden can be reduced through the choice of materials and construction methods; and
- g) preparing an Access Plan which sets out how public access will be accommodated both during and after construction (which may be managed through planning conditions in larger, more complex developments).

4.11 In terms of design, walking and cycling routes should be:

- a) barrier-free; i.e. should avoid steps, gates, pinch points, steep gradients and uneven surfaces, wherever possible;
- b) characterised by 'generosity of space'; i.e. most paths intended for public use will need to be broad and open to accommodate cycles, buggies and wheelchairs, as well as pedestrians;
- c) safe; i.e. paths should benefit from passive surveillance, either from neighbouring ground or from the windows of adjacent buildings. Developers should seek to provide clear sight lines and paths should not be channelled between high/dense vegetation, solid fences or walls or result in the creation of blind corners;
- d) surfaced appropriately; i.e. well-drained, bound, free of trip hazards and permeable, where possible (dependent on

required carrying capacity such as anticipated pressure from vehicular or equestrian use);

- e) connected directly to the wider walking and cycling network, in order to contribute to the overall permeability of the development;
- f) fully open and available before a development is occupied, in order to ensure acceptance by the new occupiers; and
- g) capable of contributing to the management of surface water, where appropriate; see also SG8 - Water Management.

4.12 SG1 - Placemaking, Part 1 encourages the development of accessible and innovative play areas. Play opportunities should be incorporated into all new developments, where appropriate. Wherever possible, this should be informed by meaningful engagement, especially with children and young people. Consideration should be given to the location of play areas (these should be easily accessed and overlooked) and the use of natural elements, which are low maintenance, easier to integrate into landscaping and which often allow experiences by different groups, not just children (e.g. seating for carers).

4.13 The Council's Residential Design Guide states that 'play areas should not only include traditionally defined children's play parks with fixed equipment, but also create 'playable' spaces which meet the needs of different people at the same time. Support for playable spaces can extend the range of play opportunities available to children and can be cost effective, for example, providing playable spaces which can also function as amenity space and landscaping. Imaginative planting, ground mounding, boulders, seating and sculpture can all provide play for children of a wide range of ages as well as exercise and visual amenity for adults. All communal or public open space should be accessible (by walking and cycling) and welcoming, and designed for natural surveillance to increase security and foster a sense of ownership in the community.'

4.14 A landscape architect or similarly qualified design professional should be engaged at an early stage to develop play provision within public realm proposals. A statement of the play provision within the design should also be provided, where appropriate.

4.15 Additional useful detailed guidance can be found in the Design Guide for New Residential Areas, Cycling by Design (<http://www.transport.gov.scot/report/j185500-00.htm>), Sustrans Handbook for Cycle Friendly Design (http://www.sustrans.org.uk/sites/default/files/file_content_type/sustrans_handbook_for_cycle-friendly_design_11_04_14.pdf) and London Cycling Design Standards (<https://tfl.gov.uk/corporate/publications-and-reports/streets-toolkit#on-this-page-2>). Further information on Scottish Play Policy is available at www.gov.scot/resource/0043/00437132.pdf and www.playscotland.org/wp-content/uploads/assets/Policy-Context.pdf

Day Care Nurseries

4.16 Nurseries should provide satisfactory accommodation for children in appropriate locations, while not detracting from the amenity of neighbours, the character of the area or from pedestrian or traffic safety.

4.17 While nurseries provide a valuable service, they have the potential to be detrimental to the amenity of residential and commercial areas because of problems such as noise, parking and traffic problems. As some nurseries can approach the size of small primary schools, the cooking fumes generated by the catering requirements can also detract from local amenity.

4.18 Proposals, including new build and extensions to nurseries, will be considered against the following criteria:

a) **Location** - Nurseries should not be located:

- I. close to industrial or noisy commercial uses;
- II. on main roads with stopping restrictions, or immediately adjacent to bus stops;
- III. in flats, semi-detached or terraced properties, in residential use; and
- IV. where the use would result in parking and traffic congestion.

b) **External Playspace** - The following guidance applies:

- I. there should be access to a safe external play space, exclusively for the use of the children within the curtilage of the property. The use of the private communal gardens of flats will not be accepted, as this would introduce a noisy commercial use into private garden spaces;

- II. in commercial buildings, nurseries will only be accepted on the ground or basement floors to ensure direct access to external play space; and
- III. the play space should have a solid boundary, to avoid adverse impact on neighbours and good levels of natural daylight.

c) **Parking** - The following guidance applies, see also SG11 - Sustainable Transport and SG1 - Placemaking, Part 1, Detailed Guidance, Qualities of Place - Ease of Movement :

- I. If off-street parking is required within the curtilage of the day care nursery, on what was formerly garden space, then not less than 50% of the front garden should be retained after the formation of the parking spaces; and
- II. provision of off-street parking should not involve the removal of any trees or shrubs that are considered important to the amenity of the property or street.

d) **Catering** - As nurseries can provide extensive catering facilities, applicants will be expected to meet the technical standards for dispersal of cooking fumes set out in SG4 - Network of Centres (Food, Drink and Entertainment Uses).

e) **Design and Access** - The following guidance applies:

- I. to prevent loss of amenity to other uses within multi use buildings, access from the nursery, suitable for pushchairs, etc., should be directly on to the street and not taken through another use in the same building;
- II. in buildings with other users, a clear physical separation of the day care nursery from these uses will be required; and
- III. the layout and appearance of the proposed nursery and external space should take account of surrounding uses and the character of the surrounding area, see also SG1 -

Placemaking, Part 2, Detailed Guidance, Site and Area Analysis .

- 4.19 Childminding carried out in a person's own home is usually a small operation involving a few children and no additional staff. This will usually be considered as ancillary to the main use of the house/flat as a dwelling, so no planning permission would be required.
- 4.20 If, however, the childminder employs an assistant or works co-operatively with another childminder, more children will be potentially involved. This may have an increased impact on the amenity of nearby residents in terms of traffic and noise. In these circumstances, planning permission will normally be required for part change of use from mainstream residential to childminding use.
- 4.21 Planning permission will always be required for joint childminding in a flat. The impact of the proposed use on the character and amenity of the surrounding area will be assessed.

Community Safety

- 4.22 It is expected that new development will incorporate crime prevention and community safety measures within their layout and design, see also SG1 - Placemaking, Part 2, Detailed Guidance, Qualities of Place - Legibility and Safety. All proposed measures should use “Secure by Design” principles and should contribute to a safe and secure environment, for example providing surveillance for paths, streets and public spaces.
- 4.23 The “Secured by Design” scheme was developed by the Police to establish a minimum standard of physical security, together with a development layout designed to reduce the opportunity for crime and anti-social behaviour. A range of design guides for various types of development is obtainable at www.securedbydesign.com, and advice on individual developments, from Police Scotland Architectural Liaison.
- 4.24 The Placemaking Principles described in SG1 - Placemaking should take precedence over secure by design principles where there are contradictions. All security measures should be designed sympathetically with regards to the surrounding context and integrated within the overall design.