



WOLVERHAMPTON  
COUNCIL

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*DAY*

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*NURSERIES*

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SUPPLEMENTARY  
PLANNING  
GUIDANCE

No.9



# SUPPLEMENTARY PLANNING GUIDANCE

NOTE NO 9

## **DAY NURSERIES**

**This Supplementary Planning Guidance was  
approved by the Planning & Environment Committee  
on 27th July 1995 following public consultation.**



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# **I** *Introduction*

## **1.0 INTRODUCTION**

This Supplementary Planning Guidance Note is intended primarily to give advice relevant to planning permission. It complements the policies and proposals contained in the Council's Unitary Development Plan, which was adopted by the Council's Planning and Environment Committee in September 1993. The advice in this document represents the Council's views as to best practice for the conversion of building or new construction for Day Nurseries. The main criteria used to assess whether planning permission should be granted are set out in this document.

### **1.1 Definition**

The term Day Nursery in this document is used to describe a building or part of a building providing non-residential care for children up to five years of age. It is usually open for the length of the adult working day.

### **1.2 Registration**

**1.21** Registration of day care for children under (five) eight years of age must be undertaken by registering with the Council's Department of Social Services under the Childrens Act 1989. It is the responsibility of that Department's Registrations Officer to ensure that standards of child care and child protection are established and maintained. Any facility offering day care for more than four hours per day is subject to the day nursery standards set by the registration section of the Social Services Department.

**1.22** Prior to registration, applicants are strongly advised to make early contact with the Registration and Inspection Unit, the Fire Authority and Environmental Health Officers to seek appropriate guidance on the standards which have to be met in order to achieve registered status.



# When Planning Permission is Required

**2.1** Normally, under planning legislation, no distinctions will be drawn between different forms of care for pre-school age children, whether these take form of a day nursery, a playgroup or a creche.

**2.2** Planning permission will be required for any new-build development to provide for any child care facility.

**2.3** Changes of use of an existing building will also usually need planning permission. However, planning legislation does allow some exceptions to this requirement.

**2.4** Under the Town & Country Planning (Use Classes) Order 1995 (1987), day care for children can be provided in any building previously used for one of the following purposes without the need to seek planning permission:

- Medical Health Services
- Day Centres & Clinics
- Non-Residential Education Buildings (eg schools)
- Public Halls, Museums, Art Galleries & Libraries
- Buildings used for Public Worship or Religious Instruction

**2.5** Although changes of use of the above types of buildings to provide a child care facility would generally not need planning permission, any external physical alterations or extensions to such buildings will require planning permission. Permission for such physical changes would not automatically be given. Alterations requiring planning permission would include the laying out of additional car parking, changes of vehicular access arrangements, alterations to external doors and windows and any external fire escapes. Such physical works will generally also require approval under the Building Regulations.

**2.6** The provision of limited child care facilities within a building where the main use does not change, or where the child care is ancillary to the main use will generally not require planning permission. Specific examples of such cases are provided by:-

- (a) Provision of a small creche or day nursery at a place of work to serve those working; (however if such a facility were to take children not connected with the premises, this would generally be development requiring planning permission).
- (b) The provision of a playgroup on a very limited scale within a house, where the house continues to be mainly used as a dwelling house and the number of children involved does not necessitate the employment of another person to provide care of an excessive number of children for the size of the house. Planning permission will normally be required if the child care facility becomes a substantial activity in itself, even if the main use of the property is still as a dwelling house.

**2.7** If a day nursery wishes to provide additional services different from its main function for instance care of school children, before or after school, planning permission should be sought for this different use.

**2.8** Applicants should remember that a planning application and an application for registration are dealt with by two separate Committees of the Council under separate codes of legislation. Approval of a planning application does not automatically lead to approval of the application for registration or visa-versa.

**3.0** The main issues which will be considered, and on which information will be required, are likely to be suitability of the premises, number of children to be accommodated, number of "carers", traffic/car parking and any impact of either the amenities currently enjoyed by the occupiers of adjacent properties or the general amenity and character of the area.

The issues set out in the paragraph above and the requirements set out in the rest of this document will be referred to in determining applications. Failure to meet the requirements indicated below will probably result in a refusal of a planning application. This document attempts to identify the issues and requirements that will be relevant in most cases. However, there may be instances where other matters will be relevant, and each application will be considered on its merits.

All proposals will also be assessed in the light of relevant policies within the Council's Unitary Development Plan. Copies of this may be obtained from the Office of the Chief Executive & Policy Co-ordinator.

## **3.1 INFORMATION TO BE PROVIDED WITH A PLANNING APPLICATION**

**3.1.1** The applicant will be expected to provide sufficient information, including adequate plans and drawings to scale, to show both the existing situation and, separately, the proposals whether for change of use or new build. Such information should be sufficient to test the application against the requirements of this guidance note.

**3.1.2** Submitted drawings should show accurately, not only the application site, but also adjoining buildings and land. All alterations to the site or building should be in sufficient detail to allow them to be assessed.

## **3.2 USE OF A DWELLING HOUSE**

**3.2.1** Day Nurseries are normally more appropriate in detached houses. Properties which may be particularly suitable are those which have good separation from adjacent residential properties or which are not adjoined on all sides by other residential uses, and those which have adequate on-site parking with suitable and safe access and egress.

**3.2.2** Semi-detached and terraced houses are not generally suitable for day nurseries, except possibly where adjoined by non-residential uses.

**3.2.3** Proposals for semi-detached or end of terrace houses may be considered where it can be demonstrated that the number of children proposed, and the location of nursery rooms is unlikely to cause undue noise and disturbance to adjoining residential occupiers.

**3.2.4** Where a proposal relates to a house in a residential area which already contains a concentration of properties used other than as single dwelling houses, such as hotels, hostels, residential care/nursing homes, self-contained flats and houses in multiple paying occupation, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area. In certain roads or streets, it may be inappropriate for more than one day nursery to be permitted because of the adverse effect of on-street parking, vehicle movements or physical alterations on amenity, safety or the character of the area.

**3.2.5** Proposals for day nurseries in residential frontages should normally retain an element of residential use, in the same property. If residential accommodation is to be provided in the same premises as the day nursery, it will normally be expected to be self-contained.



### **3.3 THE USE OF NON-RESIDENTIAL PROPERTIES AND LOCATIONS WITHIN COMMERCIAL/MIXED USE FRONTAGES**

**3.3.1** Favourable consideration may be given to proposals for day nurseries within mixed use frontages and commercial areas. This will be subject to availability of convenient off-street parking with satisfactory access and egress, and a satisfactory environment for the day nursery. On-street car parking will not normally be accepted. Adequate parking provision must be included within the site.

# Detailed Planning Requirements for all Properties

**4.1** The availability of independently accessible and convenient off-street parking provision for parents, staff and any residents will be an important consideration. A standard of one off-street car parking space (independently accessible) per five children, plus three other parking spaces will normally be required.

**4.2** Car parking areas and spaces should be carefully designed to avoid the loss of either shrubs and trees or of good boundary features of character (including walls and fences) particularly on the frontage and alongside boundaries. However, consideration will also be given to the desirability of adequate vehicular and pedestrian visibility at access and egress points.

**4.3** Car parking and access arrangements which will seriously adversely affect the street scene will not normally be acceptable.

**4.4** Provision for dropping off or picking up children must normally be made within the site, and not on the adjacent highway. Sufficient manoeuvring space should be provided to allow vehicles to leave the site in a forward direction.

**4.5** Internal layouts should minimise the effect on neighbours and include sound attenuation measures where appropriate.

**4.6** Access to the building and internal facilities should have regard to the needs of people with disabilities.

**4.7** A limit will normally be placed on the number of children to be cared for, based on the amount of outside play space to be provided. An adequate outside play area to give a ratio of at least 5 m<sup>2</sup> per child should be provided, 20% of which should normally be suitably hard surfaced. Where it is appropriate in order to protect the amenity of neighbours, a condition

may be imposed to limit the number of children outside at any one time. (A condition will normally be applied to limit the number of children allowed to play outside at any one time to one third of the total number of children cared for, to limit the adverse effects on residential neighbours and ensure adequate play space for children).

**4.8** Where car parking is provided close or adjacent to external play space, the car parking must be clearly defined and separated from the external playspace.

**4.9** The outside play area should be sited (and protected by boundary treatment if necessary) so as to minimise any adverse effect on the amenity of neighbours and to provide a safe area for children's play.

**4.10** Any external works (such as alterations or extensions to existing buildings) should be sympathetic to the overall character and appearance of the surrounding area and should not adversely affect the amenities of neighbours.

**4.11** Proposals should demonstrate how, if at all, existing trees, hedges, garden and boundary walls will be affected. Adverse effect, especially loss of trees or hedges, should be avoided. A high quality, well designed soft and hard landscape scheme needs to be submitted as part of a development proposal.

**4.12** A condition will normally be applied to limit any planning permission to use for day nursery purposes only where the premises do not appear to be suitable for other uses within the same "use class".

**4.13** A condition limiting hours and days of opening will normally (may) be imposed where this seems desirable to protect the amenity of neighbours.

**5.1** In addition to controls under the Town & Country Planning Acts, day nurseries and creches are covered by other legislation. This includes legislation administered by the Director of Social Services under the Children Act 1989, which covers such matters as accommodation/space requirements per child, numbers and qualifications of staff, toilet and kitchen facilities.

**5.2** The Department of Technical Services' Building Consultancy Group is responsible for the enforcement of the Building Regulations. Advice regarding new building work, change of use, or structural alterations and extensions, should be obtained from that Group, who can advise whether a Building Regulations application is required. Such advice should be sought at an early stage, and certainly before the submission of a planning application.

**5.3** Fire Safety is essential and will be assessed both during the Building Regulations process and by the Fire Prevention Officers of the West Midland Fire Service as part of the Certificate and Registration Procedure.

**5.4** The Director of Law, Environmental Protection and Central Services and the Health and Safety Executive have responsibility for the administration of the Health and Safety at Work Act 1974, and for legislation which covers the detailed layout of facilities including sanitary and kitchen accommodation for staff and children. Advice regarding such accommodation should be obtained prior to operation, from The Food & Occupational Safety Division of the Council's Department of Law, Environment Protection and Central Services.





# Appendix 1

The guidelines in this document supplement policies contained in the Council's Unitary Development Plan, particularly policies H17, ENV1, ENV2, TP14, C4, C1, of that plan.

They should also be read in conjunction with other approved Development Control policies, Supplementary Guidance Notes and current advice from the Secretary of State for the Environment.

## **RELEVANT UDP POLICIES WITH REGARD TO DAY NURSERIES**

- (a) H17 is concerned with protecting the amenity of existing neighbours from inappropriate non-residential uses.
- (b) ENV1 (Trees and Natural Environment).
- (c) ENV2 is concerned with Design Standards regarding new development and extensions.
- (d) TP14 is concerned with planning standards with specific reference to car parking provision.
- (e) C4 is concerned with planning standards with regard to the provision of new buildings and extensions for community use.
- (f) C1 is concerned with the provision of land for the needs of Education, Health, Social Services and other community facilities.





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