

Children’s Day-Care

I INTRODUCTION

- 1.1 This Note is one of a series of Supplementary Planning Guidance Notes (SPGs), amplifying the development plan policies and other issues in a clear and concise format with the aim of improving the design and quality of new development. The Notes are intended to offer broad guidance which will assist members of the public and officers in discussions prior to the submission of planning applications and assist officers in handling and members in determining planning applications.

2 STATUS & STAGES IN PREPARATION

- 2.1 The Council’s SPG Notes are not part of the adopted plan. However, they have been the subject of both a formal Council resolution and public consultation. The Welsh Assembly Government (The Assembly) has confirmed that following public consultation and subsequent Local Planning Authority (LPAs) approval, SPG can be treated as a material planning consideration when LPAs, Planning Inspectors and the Assembly determine planning applications and appeals. This Note was approved by Full Council on 25th July 2001 for use in development control. A statement of the consultation undertaken, the representations received and the Council’s response to these representations is available on request.
- 2.2 These notes have been prepared in accordance with guidance contained in Planning Guidance (Wales), Planning Policy; Unitary Development Plans (Wales); Technical Advice Notes.

3 BACKGROUND

- 3.1 Many thousands of children are cared for on a daily basis by people other than their relatives, and the number of individuals and groups catering for this demand is ever increasing. There are a variety of day care options ranging from the day nursery, pre-school play group and Mudiad Ysgolian Meithrin, to the childminder caring for children in the home situation. In addition, early evening care may be specifically provided for after school provision.

4 PLANNING POLICY

- 4.1 This guidance note deals with the requirements for planning permission for day nurseries and childminding. Applications for planning permission for children’s day care will be considered against the Development Plan Policy, normal planning considerations and in the interests of safeguarding residential character, amenity and highway safety.
- 4.2 The Council’s approach to the development of children’s day care facilities is contained in Policy CF1 of the Council’s Unitary Development plan (UDP) which provides guidance on ‘community facilities’ generally. This policy is reproduced in full below:

Community Facilities - General
Policy CF 1

NEW AND IMPROVED COMMUNITY FACILITIES WILL BE PERMITTED PROVIDED THAT:

- i) THEY ARE LOCATED SO AS TO SERVE THE LOCAL POPULATION;
- ii) THEY ARE ACCESSIBLE TO NON-CAR USERS;
- iii) WHEREVER POSSIBLE THEY SHOULD BE WITHIN DEVELOPMENT BOUNDARIES AND RE-USE EXISTING VACANT OR UNDERUSED BUILDINGS.

The general thrust of the Council’s planning policy looks to children’s day care facilities normally being located suitably to serve the local population, being accessible by a choice of means of transport, and being within development boundaries as far as possible, preferably involving the use of existing buildings. Proposals should not be situated in such a location as to cause disturbance to surrounding uses, particularly within residential areas, and should not pose any danger to highway safety, especially to the safety of the children themselves.



In liaison with the Social Services Department, the Council does not want to be too prescriptive and inflexible about this type of development, and the advice in this document is purely for guidance purposes.

It should be noted that the granting of planning permission carries with it no presumption or guarantee that premises will be registered by Social Services. Applicants are strongly advised to liaise with the Under 8's unit within the Council's Social Services Department when considering making an application. Issues relating to registration are covered by separate legislation and administered by the County Council's Social Services Department.



5 TYPES OF CHILDCARE

5.1 Set out below are the two predominant types of childcare; day nurseries and childminding. The following considerations should be taken into account when making a planning application;

5.2 Day Nurseries

- Day nurseries are generally privately owned, caring for children of all ages for more than four hours per day. Day nurseries are normally open all year round, except Bank Holidays, and varying opening times from 7am to 7pm. Some facilities may offer an extended service for children of school age, but not normally any overnight accommodation unless ancillary to the use of the building for day care. Any substantial overnight care element could be treated as a class C2 Residential Institution for which different criteria may apply.
- The preferred location for this type of development would be close to a residential area to facilitate easy access from surrounding residents. Other locations may be within a mixed residential / commercial area, an area with a concentration of C2 (schools, colleges, nursing homes etc) or D1 uses (clinics, health centres etc) or the edge of a town or district shopping centre ie at or near to places of work. Another suitable location would be within employment or business parks although this would exclude areas with heavy or polluting industry.
- Suitable properties could be those previously in a community / institutional type use, although it is accepted that these types of buildings may be hard to find.
- Other suitable buildings would be large detached properties with spacious gardens.
- Properties deemed unsuitable would be those such as a semi detached or terraced properties in high density residential areas, due to noise disturbance levels as well as access and parking provision.
- Consideration will also be given to suitably located and designed new buildings within development boundaries.

The main criteria that are taken into account in determining an application for planning permission are:-

• **A suitable location**

A key consideration is the location of the facility in terms of potential users. It should be accessible to both residential areas and to places of work and be convenient for the needs of both car and non car users. This can help to combine or reduce car journeys which in itself will help to create a safer and cleaner environment. The overall character of the area should be one which provides a suitable and pleasant environment for children particularly in terms of safety and security.

• **A suitable site / building**

The site or a building and its curtilage must also be suitable to provide a safe and secure environment. The size and internal layout of the building must allow for the separation and close supervision of children. It

must provide suitable indoor and outdoor playspace, a safe and convenient access and parking, and not harm the amenity of the surrounding area. These considerations are set out in further detail below.

- **The provision of adequate outdoor playspace.**

An essential requirement for a day nursery is provision for outdoor play, which is required to incorporate a hard surface area and a grassed area. The amount and location of play areas requires great consideration as this is where problems may arise.

There is no prescribed provision in planning terms for the amount of playspace for a day nursery. By comparison, new residential development would require a minimum of 40 sq m for a small house and 70 sq m for a larger house. Bearing in mind the likely intensive use made of playspace attached to day nurseries these figures would be an absolute minimum. The amount and type of playspace may limit the number of children that can be accommodated. As a rough guide, Social Services require approximately 2.8 sq m of indoor playspace per child and it is considered that this could also be applied to outdoor playspace.

Wherever possible play areas should be located with regard to adjoining residential properties so as to avoid noise or physical nuisance. Where this is unavoidable specific areas within the garden should be designated for play, and the number of children playing outside at any one time restricted. The play areas should be located, designed and equipped so as to allow children to play safely and securely. Such areas will normally require separation from the parking and access to the site and additional fencing or planting may also be required.

- **The effect on the character and appearance of an area**

This may take the form of physical changes or impacts on amenity.

In terms of physical changes, where a property is located in a predominately residential area, every effort should be made to retain front boundary walls, hedge and garden areas to maintain the residential character and appearance of the area. The hard surfacing of an entire front garden and removal of boundary walls and hedges to provide off street parking would generally not be acceptable. In some cases it will be possible to provide parking / drop off points within the curtilage without harming its appearance either as a result of existing planting and features or through additional landscaping.

In terms of impacts on the amenity of the locality, the nature and intensity of the day nursery needs to be compared with adjoining uses. A day nursery can be associated with considerable levels of noise and activity including the dropping off and picking up of children, service vehicles and noise from children playing outside. This may be harmful to the character of an area if it is predominantly a quiet residential or office area.

- **Access and Parking**

The facility should provide a safe vehicular and pedestrian access. Parking space is required within the site for staff cars, visitors and wherever feasible parents' cars. Where a day nursery is proposed on a busy highway, provision for the dropping off and collection of children off the highway is essential, together with parking areas for parents who wish to stay longer if required. In such cases a one way in and out system with parking bays may be advantageous where vehicles can enter and leave the site in forward gear, without the need for reversing. Particular regard should be paid to accommodating a large numbers of cars arriving/departing during a short period of time when traffic levels are at their peak.

Provision should also be made to accommodate service vehicles likely to visit the facility such as refuse disposal, catering supplies etc.

- **Access for People with disabilities**

Where Building Regulation approval is required then it will be necessary to comply with part 'M' of the Building Regulations which deal with access for people with disabilities. In other cases, the Council would still encourage measures to ensure that the building is accessible to persons with disabilities, mothers with pushchairs, the elderly etc. Such measures may be beneficial in terms of increased business. Regard should be had to the Disability Discrimination Act.

Size of buildings, extensions and intensification

Particular care needs to be exercised where the original building / use is extended / intensified which may lead to over-intensification of use and over-development of the site.

Adequate space about the building needs to be retained, paying regard to avoid over bearing (un-neighbourliness) on adjoining properties and excessive parking / manoeuvring space in relation to play/amenity space.

- **Footprint** - (i.e. site coverage by area) of the development should, as a rule of thumb, be in the order of 1/3 building, 1/3 parking access and servicing, and a minimum 1/3 amenity and play area.
- **Plot ratio** - The total floor area, including upper floors, extensions, outbuildings, temporary buildings etc., of the building in relation to the total site area should be no more than 67%. This is equivalent to a 2 storey building covering 1/3 of the site i.e. $2 \times 1/3 = 2/3$ (67%).

In addition to the above, provision may be required for extraction facilities for cooking fumes from a kitchen catering for large numbers of children. Extraction flues should be sympathetically sited, if possible at the rear or sides of properties.

5.3 Childminding

- Childminders are people who are registered with the Social Services Department, to mind children under the age of 8 years, in the minder's own home. This can range from a couple of hours in the morning or afternoon, to all day. Prospective applicants are advised to contact The Under 8's Unit to establish the number of children allowable.
- As a general guide, the use of a house or property for the minding of no more than 6 children [included in that figure would be any of the minders own children and / or grandchildren (under the age of 8 years)], will not generally require an application for planning permission for a change of use.
- The number of children being minded at any one time in a property is dependent on the size of the building and garden as each child must have approximately 2.8 sq. metres each of both indoor and outdoor playspace.
- As with applications for day nursery use, the main considerations are the adequacy of car parking and the effect on the highway and also noise and disturbance to neighbouring property. Because of the limited numbers involved, it may not always be feasible to provide off street parking facilities; the Council's requirements will be dependent on the size of the business involved.
- In addition, garden areas, which may be small reflecting the limited nature of the business, should be laid out in such a way that there is a designated play area, sited as far as possible to avoid nuisance to any adjoining residential property. Applications will be considered with regard to the criteria as above, although the extent to which they are enforced will depend on the scale of the proposal and the number of children to be catered for.

Planning conditions

- In granting planning permission for the use of a property for a childminder or day nursery, planning conditions may be attached to restrict or control the use in some way. These could be to limit the hours of operation, car parking, areas in the rear garden where play equipment is permitted or the number of children allowed outside at any one time. In addition, a condition may restrict the use of the property to a day nursery only (Class D1, Town and Country Planning (Use classes Order) Order 1987), to reflect the particular nature of the use.
- The number of children to be cared for is covered by registration, but account may be taken of the numbers of children involved in assessing the (over) intensification of use.

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