



Appendix 2

Supplementary Guidance

Topic: Children's Nurseries and Sports Facilities

May 2012

PRIVATE CHILDREN'S NURSERIES

Children's nurseries fall within Class 10 of the Town and Country Planning (Use Classes) (Scotland) Order and planning permission is required for the change of use of any building falling outside this use class to form a children's nursery. The term includes day nurseries, crèches, and pre-school playgroups and can be defined as a place where a number of children under 5 years of age are brought together for part or all of a working day on a regular basis and where provision is made for their care, recreation and in some cases meals

Considerations

The main issues to consider:

- The likely effect on the character of the area, especially where the building would be completely removed from residential use and where it relates to conservation areas and listed buildings.
- Car parking and traffic congestion caused by both staff and parents dropping off and collecting children.
- Noise from children, both internally and externally.

Residential Areas

In assessing whether or not a nursery would cause any conflict with, or nuisance to the character of an area and the existing level of residential amenity, the following would normally be considered:

- Planning permission for a day nursery will not normally be granted where the number of children would create an unreasonable noise nuisance either from within the premises or outside in any play space, particularly within a residential area. For the foregoing reason the type / location of property concerned will be important. Flats and terraced houses, in particular, are generally not considered suitable.
- The proposed opening hours and days of operation of the nursery would be expected to be Monday to Friday. Opening hours outwith the period 8 am to 6 pm are unlikely to be acceptable.
- In terms of the number of children the applicant proposes to supervise. A figure of 20 children will normally be considered the maximum for day nurseries in residential areas. Large buildings with extensive gardens on roads characterised by hotels, educational establishments and other commercial uses rather than houses, may be considered more appropriate locations for day nurseries accommodating more than 20 children.
- There should be adequate provision of suitable outdoor play space. Normally a minimum of 100 sq metres for 12 children or less would be sought with this rising to 150 sq metres for premises with more than 12 children attending. In terms of protecting the residential amenity of adjoining properties, playspace should be located away from the habitable rooms of adjoining properties and be adequately buffered through for

instance the use of landscaping or screened fencing to protect from noise and overlooking.

- The effect of any external / internal alterations proposed in relation to the change of use such as car parking, new signage. Car parking will not normally be acceptable in front gardens unless well screened by landscaping from the road. Window displays can create a cumulative visual effect and can conflict with the character of the area.
- Access and Car Parking. Vehicular and pedestrian access should be safe and direct. The access and nursery should normally be at ground floor level. There should be appropriate car parking on site in accordance with the Council's adopted standards and the parking layout should enable visiting cars to enter and leave the site in a forward gear. Establishments must provide adequate facilities on site to enable the safe dropping off/picking of vehicle passengers. Where no such facility can be provided, use of the public road will only be acceptable following an assessment of road/ parking capacity and road safety, which concludes the effects of the proposal are not significant.
- A concentration of day nurseries is likely to be resisted where it results in an unacceptable loss of amenity, change the character of the area and creates parking or traffic problems particularly within residential areas

Non-Residential Areas

Industrial Areas

- On-site work place nurseries within existing buildings, which are solely for use by the employees of that firm or establishment, are regarded as ancillary to the main use and do not require planning permission.
- New nurseries should not normally be considered favourably within Policy BI1 or BI2 areas designated within the Local Development Plan unless the applicants can satisfactorily demonstrate that:
 - (a) an adequate level of amenity could be created for the children
 - (b) The nursery would not be on a prime industrial site and would not threaten the Council's industrial land supply and or the aims of the BI1 and BI2 policies.

Conditions

It may be considered appropriate to attach certain conditions. These may relate to:

- Opening hours
- Car Parking and / or pick up / drop off facilities
- Restricting the number of children
- The requirement for a noise impact assessment and noise mitigation
- Restricting the use to a nursery only

Planning applications should be accompanied by the following information:

- detailed plans showing the proposed use of floor space within the building together with the amount of amenity space to be made available, on-site parking provision and treatment of all boundaries;
- an indication of the anticipated hours and days of use together with a justification for late or early hours and opening on weekends, where the premises are in a residential area;
- details of the number of employees (both part time and full time), and;
- the number of children of different age groups to be cared for.

Childminding

Childminding is the most common form of day care facility and is normally carried out in existing dwellings. Registered childminders working from home are unlikely to require planning approval. However, it is best to check with the planning service as there may be a requirement for planning permission depending on the type, size, location, scale and nature of the use, particularly the number of children.

SPORTS FACILITIES

Regard should be taken of environmental and amenity considerations in dealing with proposals for sports facilities. Where green space is being developed, an alternative area should be made available in or immediately adjacent to the same community and should provide similar or improved benefits to the replaced area in line with the Local Development Plan policy on Urban Green Space.

SPORTS FACILITIES

Sport and recreational facilities will be acceptable where it can be demonstrated that:-

- 1.** They are not detrimental to the natural or built environment or to residential amenity;
- 2.** Locations are accessible to the catchment population, giving priority to walking, cycling and public transport;
- 3.** Public access arrangements can be maintained, enhanced or, where appropriate, provided in a convenient location in the vicinity of the development;
- 4.** The impact of floodlighting and appearance of any associated structures would not adversely affect the amenity of nearby residential properties or the character of the area; and
- 5.** They meet the objectives of Aberdeen's Playing Pitch Strategy.

Existing sport and recreation facilities shall be retained unless they are being replaced by an improved facility.