



# Change of use to form children's nurseries

**Supplementary Planning Guidance**

Appearance re-designed October 2008

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## INTRODUCTION

The Change of Use to form Children's Nurseries Report was first produced in 1991 and some of the information appears outdated. However the document remains valid, and the guidance derived from this still informs the Council's decisions on such development in Aberdeen. The new Local Plan calls for appraisals of such reports. As part of this process the Change of Use to form Children's Nurseries Report will be reviewed and updated.

Therefore any queries concerning the text of the Change of Use to form Children's Nurseries Report should be directed to Planning and Sustainable Development for possible clarification.

### Summary

At a Planning Committee meeting in May 1993, the Committee considered an application for a change of use for the ground floor of a dwellinghouse in Clifton Road to form a children's nursery. The site was visited by the Planning Sub-Committee and their subsequent recommendation to approve the application was accepted at the Planning Committee in June 1993.

An instruction by the Committee to report for the purposes of clarifying the current general policy on such changes of use in the context of the 1991 Local Plan and of assessing whether or not adoption of more specific policy guidelines for such changes of use would be beneficial to the planning authority in view of the ever increasing number of applications for change to nursery use. Minor details were revised in 1995.

## CONSIDERATIONS

### Characteristics of Nurseries

Children's nurseries tend to operate during normal office hours with 8.00am until 6.00pm being the most common hours of operation. Children can be supervised for either the full day or parts of the day. Nurseries primarily cater for children between the ages of 0 to 5 years old, although there is currently an increasing demand for after-school supervision for the over 5's. There is a greater staffing requirement and need for extra facilities for children under 2 years of age so many nurseries only cater for 2-5's.

Whilst most supervision and activities takes place indoors, many nurseries do have outdoor facilities for use in fair weather. Externally, nurseries do not normally require many alterations although most do have signage and/or paintings in the main windows.

Whilst purpose-built nurseries do exist within the City, the vast majority of applications for planning permission have been for changes of use, in part or in whole, for residential properties to become nurseries.

The main issues raised with such proposals have been:

- (a) the likely effect on the character of the area, especially where the building would be completely removed from residential use
- (b) car parking and traffic congestion caused by both staff and parents dropping off and collecting children
- (c) noise from the children

### Development Plan

The planning authority has a duty to determine applications in accordance with the Development Plan (the Structure Plan read together with the Local Plan) unless there are other relevant material considerations to the contrary.

Applications are considered on their merits in relation to the relevant policies for the zoning of each site in the 1991 Local Plan.

## Residential areas

The vast majority of recent application sites have been located within R1 - Residential Areas. The policy for such areas states: adopted as policy:

“In these areas the predominantly residential character and amenity will be retained. Other uses will not be permitted unless such uses are regarded as complementary to residential use, such as community facilities (Class 15 Non-Residential Institutions), schools, open space, churches, local shops (Class 1 Shops) etc. Other activities will not be permitted unless the Council can be satisfied that the use would cause no conflict with, or any nuisance to, the enjoyment of the existing residential amenity.”

Class 15 (Non-Residential Institutions) of the Use Classes Order 1989, mentioned above, includes use as a creche, day nursery or day centre. In terms of the R1 Policy, it can be seen that nurseries are regarded as complementary and would not constitute a Development Plan departure provided that the character and amenity of the residential areas would be retained. Class 15 also includes activities such as museums, libraries, schools and churches. It would be possible for a nursery to be used for any of these purposes without planning permission being required.

Accordingly, in certain residential cases, it may be appropriate to consider attaching a condition to prevent such changes of use occurring to protect the residential amenity of the area.

The other Local Plan Policy which covers residential areas is R2 - Mixed Use Residential. These are areas which are predominantly residential but contain significant proportions of industrial and commercial uses. Proposals for uses complementary to residential areas, as described above, will be considered in the same way as in R1 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:

- (a) the type of property concerned. Flats, in particular, are generally not considered suitable for reasons of noise and access
- (b) the proposed opening hours and days of operation of the nursery
- (c) the number of children the applicant proposes to supervise
- (d) whether or not outside activities are proposed
- (e) the scale of the proposal (eg how many or what proportion of the rooms/floors of the building would be used)
- (f) the effect of any external alterations proposed in relation to the change of use (inc. any car parking, new signage etc.)

Car parking and dropping off/collection facilities are very important considerations and these will be referred to separately later.

When the property concerned is a Listed Building or falls within a Conservation Area, the effect of the change of use in relation to the special architectural or historic character would also have to be considered. Special attention would have to be given to any proposed alterations which would affect the external appearance of the building.

Although no formal policy has been adopted by the Council, it has been common practice for the refusal for applications which would involve the complete removal of any residential element from a building. This is because the house would then be given over to a commercial activity which would tend to operate only during office hours. Whilst one building amongst many residential properties operating in this manner may or may not have a significant impact on the character of the surrounding area, if this pattern were to be replicated, it could have a marked effect on the character and vitality of the residential area. This would conflict with the general aims of the R1 and R2 policies.

Accordingly, it is normally required that a significant residential element to remain within any dwelling. Due to the requirements of the Social Work Section in terms of number of rooms and facilities, proposed nurseries have been predominantly located in dwellings with two or more floors. Accordingly, that use of no more than one floor of a two storey building as nursery to be

the acceptable limit. For reasons of access, this has tended to be the ground floor.

Whilst the Committee has generally accepted recommendations using this informal policy, there have been a number of notable exceptions which can be cited by applicants as precedent for complete occupation of dwellings as commercial nurseries in residential areas. For example, Clifton Road, there is a nursery only six houses along from the subject of the application which prompted this remit, which the Committee approved as a completely non-residential nursery, contrary to recommendation.

Possibly the most noticeable external alteration to dwellings which become nurseries is the addition of signage and window displays/painting. Whilst signage explicitly advertising the nursery may or may not require express advertisement consent, it is open to debate as to whether or not painting of cartoon characters alone on windows constitutes either an advertisement or indeed, development. The determining factor here is whether such paintings are advertisements or mere decoration. Therefore it should be borne in mind that in approving a day nursery, the planning authority is implicitly accepting that such window displays may follow. The cumulative visual effect of many such nurseries on an area should not be underestimated, especially where the buildings concerned are Listed or fall within a Conservation Area. For example, there are a number of day nurseries with such displays along Great Western Road, a Conservation Area, which conflict with the appearance of an otherwise homogeneous area.

## 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.

That there is an argument for allowing day nurseries close to places of work, that the health and amenity of the children should take precedence. Accordingly, new-build day nurseries should not normally be considered favourably within I1 or I2 areas 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 I1 and I2 policies.

### Green Belt

The Council recognises two types of rural area around the built-up parts of the City, GB1 Green Belt and GB2 Countryside around Towns. With regards to children's nurseries, the policies for these two areas are the same. Apart from a general embargo against all developments in these areas, the lack of good pedestrian facilities can make such rural areas unsuitable locations for day nurseries, especially where they are within walking distance of existing settlements.

### Central Shopping Areas

Provided the vitality of the street scene would not be affected and children could be safely dropped off and collected without impeding the traffic flow, nurseries in shopping areas such as S1 Central Shopping Zone, may be considered acceptable. To date, creches which cater for short stays rather than whole day nurseries have been more common in such areas.

### Other Areas

Areas covered by zonings not mentioned here should be considered on their own merits, taking into account the provisions of the Development Plan, the likely effect of allowing such a change of use on the character of the area, the proposed

car parking and dropping off/picking up facilities, pedestrian facilities and any other materially relevant issues pertaining to each individual case.

### **Car Parking and Other Road Issues**

New car parking standards were introduced with effect from January 1995. These specify that day nurseries should provide 1.2 spaces per member of staff, together with pick up/set down facilities for parents.

The vast majority of houses in Aberdeen would be unable to accommodate the required number of off-street spaces for staff (usually around 3-4 spaces) and the necessary facilities for parents to pick up/set down their children. Indeed, in many instances it would not be possible to accommodate either. In general, the presumption is not in favour to allowing nurseries where there is no off-street parking and or safe means of dropping off/collecting children. For example, it would not be acceptable to have a nursery with no such facilities on a main traffic route unless a suitable alternative means of access were available, as this would be likely to encourage parents to park in locations which would be a danger to public safety and or impede the free flow of traffic. Also that contrived methods of pick up/set down facilities should be avoided; for example, those which would be likely to encourage greater vehicular use of narrow back lanes would be undesirable. In some circumstances a compromise solution may be possible.

Thus whilst it is important that there should be a standard for such facilities, each application should, as always, be considered on its own merits. In the first instance, the full car parking requirements should be sought but there may be borderline cases in which these cannot be fully met but the proposals are otherwise acceptable. An element of discretion and flexibility should remain in dealing with such cases.

Easy access to bus routes would be an advantage both to assist parents without access to car and to reduce dependence on private transport.

### **CONDITIONS**

In each case, it may be considered appropriate to attach conditions to any planning permission. Such conditions may relate to the provision of car parking and or pick up/set down facilities, restrictions on the use and the areas which can be used as a nursery, the hours of operation, landscaping for new-build nurseries etc.

### **CONSULTATIONS**

The Social Work Section were also consulted as they act as the registration authority for nurseries. They have confirmed the following:

(i) there is presently no maximum limit on the number of children which can be catered for in each nursery (it was formerly 24) although each property is looked at on its own merits

(ii) the required childminder/child ratio is

1:3 children under 2 years of age

1:5 children aged 2-3

1:6 children aged 3-5

(iii) extra facilities should be provided for children under 2, namely a separate quiet/sleeping area and a changing area

(iv) one toilet and wash-hand basin per 10 children is required with separate facilities for staff

(v) The Social Work Section have no restrictions on the hours of operation of nurseries but it should be stipulated in each nursery's registration certificate and this should be adhered to. If a nursery were to operate outwith the specified times, it would invalidate their insurance. However, applications for amendments to the registration certificate can be made relatively simply

## RECOMMENDATIONS

In considering changes of use to children's nurseries, that the Council adopt the following guidelines for development control purposes:

1. That in areas zoned as R1 Residential and R2 Mixed Use Residential in the 1991 Local Plan, where a change of use of an existing dwellinghouse to a children's nursery is proposed, no more than one floor of a two-storey building, nor 50% of any individual dwellinghouse in any other case should be used as a nursery. The proprietor or another member of staff would be expected to live in the balance of the accommodation and the whole would remain as a single planning unit. The rest of the property (ie unit of occupation) should remain in residential use. Applications for a change of use of an entire property presently in residential use to become a nursery to the exclusion of any residential element will normally be refused. There is a presumption against the use of flatted properties for nurseries. Applications for nursery use in existing non-residential buildings or for new-build nurseries in R1 and R2 areas will be considered on their own merits.

2. That in areas zoned other than R1 and R2 in the 1991 Local Plan, applications for nurseries should be considered on their own merits having due regard to the Development Plan, bearing in mind the effect on the area, the appropriateness of the area for accommodating a nursery, the ability of the proposal to satisfy the requirements of 3 below, and any other material considerations in each case. As a general guideline, applications for change of use of buildings to nurseries in GB1 Green Belt and GB2 Countryside Around Town areas will normally be refused unless the Council can be satisfied that there is a specific local need for it to be located in the countryside and there is a safe and proper access to the site. new-build nurseries in GB1 and GB2 areas will not normally be permitted.

3. That in every case, there should be safe, lit pedestrian access, and safe access for vehicles. A car parking standard of 1.2 off-street car parking spaces per member of staff (inc. the proprietor) will be required. In addition, there should, whenever physically possible without adversely affecting the character of the area, be facilities within each application site for parents to safely drop off and collect children by vehicle and for said vehicle to be able to enter and exit the site in forward gear. Where adequate safety cannot be achieved, planning permission will be refused.

## CONCLUSION

Other issues may be raised in relation to a particular proposal, but this report is for general guidance when determining planning applications.

## FURTHER INFORMATION

For more detailed information, please contact:

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