



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 16th June 2017

Subject: Application 17/01326/FU - Change of use to allow dwelling house to also be used as a childminding business; new hardstanding to front at 9 Shayfield Drive, Carlton, WF3 3FY.

APPLICANT

Mrs Christina Smith

DATE VALID

1 March 2017

TARGET DATE

20 June 2017

Electoral Wards Affected:

Rothwell

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1. Plans to be approved
2. Permission to be personal to applicant
3. Hours of use to be restricted to 0730 hours to 1800 hours, Monday to Friday
4. No more than 5 children at any one time (excluding applicant's own children)
5. No more than one assistant working at any one time
6. Details of surfacing materials
7. Parking to be laid out within three months of permission granted

1. INTRODUCTION:

- 1.1 This application is brought to the Plans Panel at the request of Rothwell Ward members Councillor Karen Bruce (supported by Councillor David Nagle) who consider that permission the application should be considered by South and West Plans Panel due to the impact on and loss of amenity to the neighbours and Councillor Stewart Golton who states that the the council shouldn't be encouraging trading from a domestic premises and if there is a covenant restriction on the deeds

then planning permission would be a misleading endorsement for both the applicant and neighbours and lead to unnecessary expense for both.

2.0 PROPOSAL

- 2.1 The application seeks to regularise the use of an existing detached dwelling to a mixed use of a residential dwelling and a child minding premises. The use is already taking place and has been for some time. The application has been submitted by the applicant voluntarily and not through any enforcement proceedings and it is debatable as to whether a change of use of the property has actually occurred. However, for clarity the applicant has asked for a determination of the application. Discussions with the applicant has clarified that care is provided for up to 5 children at any one time (the applicant also has a child aged under 2 years of age). The applicant works with two assistants (who work part time and make up one full time assistant working at different times to each other). In light of these factors, and that an additional parking space is to be created for staff parking and having regard to the specific characteristics of the site and locality, it is considered that the application proposal results in a material change in the character of the occupation of the property. Accordingly, on balance, it is considered that planning permission is required. The applicant has also confirmed that the property would remain in residential use as her principal address, and that it is not proposed to change the use of the whole property into a childcare facility.
- 2.2 It is proposed to operate the child minding use from 0730 hours to 1800 hours Monday to Friday, with no child minding on Saturdays or Sundays.
- 2.3 The applicant has confirmed that the use would extend to the rear garden area, but that these times will be limited to small parts of the day and that only certain parts of the house are used for the purpose of childminding.
- 2.4 The proposal also involves, as alluded to above, the removal of the front lawn and creating a further off-street parking space in front of the house for parking if needed by the assistant.

3.0 SITE AND SURROUNDINGS:

- 3.1 The property is a modern detached brick built property at the head of a cul-de-sac in Carlton.
- 3.2 The house is actually located on a shared driveway serving the five end properties of a street that actually contains 14 properties.
- 3.3 Whilst the whole of the downstairs of the property is registered with Ofsted, the lounge is only used for one cot at nap time. No upstairs use of the property occurs.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There is no relevant planning history with regard to this site.

5.0 PUBLIC/LOCAL RESPONSE:

- 5.1 The application was advertised by a site notice which was posted on 30th March 2017 and by neighbour notification letter on 14th March 2017.

5.2 The following objections have been received:

One letter of general comment stating that there the cul-de-sac is adjacent to a council run play area that already contributes noise created by children.

There have been four letters of objection from two properties and the issues raised are :-

1. Access is taken over a shared access. This will lead to wear and tear of the access and will the applicant compensate the other owners of the shared drive for using it as a business premises.
2. The neighbouring properties will be devalued.
3. The business will create additional traffic
4. Additional noise will be created by the use of the garden.
5. Where will the employees park.
6. There is a covenant on the property restricting business uses of the properties.

6.0 HISTORY OF NEGOTIATIONS

6.1 None

7.0 CONSULTATION RESPONSES:

7.1 Highway Authority – no objections subject to conditions

8.0 PLANNING POLICIES:

8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and made Neighbourhood Development Plans.

8.2 The application site has no specific allocations or proposals.

Adopted Core Strategy

8.3 The following Core Strategy policies are considered most relevant:

- P9 - States that access to local community facilities and services, such as education is important to the health and wellbeing of a neighbourhood. Facilities and services should not adversely impact on residential amenity and should where possible, and appropriate, be located in centres with other community uses
- T2 - Seeks to ensure that new development does not harm highway safety.

Saved Policies - Leeds UDP (2006)

8.4 The following saved policies within the UDP are considered most relevant to the determination of this application:

GP5: Development proposals should resolve detailed planning considerations and avoid problems such as environmental intrusion, loss of amenity, danger to health or life, and highway congestion, to maximise highway safety.

8.5 No NRW DPD policies are considered to be specifically relevant to this proposal.

National Planning Policy Framework (NPPF)

8.6 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

8.7 The NPPF constitutes guidance for Local Planning Authorities and its introduction has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.8 The NPPF confirms that at its heart is a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with the development plan without delay and where the development plan is silent, absent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.

8.9 The NPPF establishes at Paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

8.10 Paragraph 17 sets out twelve core planning principles, including to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, ensuring high quality design but also encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Relevant Supplementary Planning Guidance/Documents:

Street Design Guide (SPD, adopted)

Leeds Parking Policy (SPD)

9.0 MAIN ISSUES

1. Principle of development
2. Impact on residential amenity
3. Highway implications
4. Representations

10.0 APPRAISAL

Principle of Development

- 10.1 The applicant conducts a child-minding business which she operates from the ground floor of her home.
- 10.2 The applicant has supplied information on their existing child-minding activities and how they intend to operate in the future under this proposal. It is recognised that many child-minding services operate from domestic premises and that such operations can be viewed as ancillary to the use of a dwellinghouse. In this instance, the applicant has made her own decision to submit this application proposing a mixed use of the property as it will remain as the applicant's place of residence. The need for planning permission is discussed at 2.1 above.
- 10.3 It is considered that Policy P9 of the Core Strategy broadly lends support to the principle of such uses recognising their importance to health and wellbeing of a neighbourhood. However, the policy also states that such uses should not adversely affect residential amenity. It is common for these types of childcare uses to be located within residential areas and accessible to the local community and generally no objection would be raised to the introduction of such a use within a residential setting providing no adverse residential amenity or highway safety impacts arise.

Impact on residential amenity

- 10.4 As discussed above, childcare uses are commonly located in residential settings and this is the case here. Accordingly, it is appropriate to give due regard to the impact of the use on the amenity of those nearby residents. The applicant has outlined the scale and operation of the proposed use and indicated the parts of the property to be used for the childcare business. Based on the information supplied, it is anticipated that in addition to the applicant and her family no more than 5 children and one member of staff will attend the premises at any one time.
- 10.5 The application property is a traditional detached dwelling and lies within a suburban residential street (at the head of a cul-de-sac) containing a mix of property designs in a modern development.
- 10.6 The children in attendance will have use of the garden space and the noise and disturbance caused from children is considered to be difficult to mitigate. Whilst the activities associated with the childcare use could be contained within the fabric of the building it is unreasonable to expect the garden not to be used in fine weather. The rear garden area is enclosed by the application building and high fencing. The southern boundary abut the yard of a business premises and these are factors that will restrict noise transfer from the garden area and ensure nearby neighbouring occupiers are less susceptible to changes in activity at the application site. Also the noise of children playing is commonplace in residential areas and the number of children being cared for at the house is small. Overall it is considered that the proposal would not be unduly intrusive to neighbour amenity.
- 10.7 The application property is a reasonably sized property but the number of children expected to attend, while not considered to be insignificant, is not unusual at a family property of this size. The childcare takes place at weekdays, throughout the day with comings and goings anticipated to be concentrated during the early morning and after school/work hours. The combined activities of the opening and

shutting of car doors; staff arriving at and leaving the property; stationary vehicle engines running; talking of children/ parents entering and leaving the premises could all raise amenity issues it is considered that the very small numbers of children should keep disturbance at a level that is acceptable in such a residential location and should not be detrimental to residential amenity. This conclusion is subject to a condition restricting the hours of operation to protect the amenity of residents in the evening and during the weekends.

Highways Implications

- 10.8 It is recognised that the nature of the proposed use is likely to mean that children would walk or cycle to the premises and that the majority of car journeys generated are likely to be a drop-off/ pick up activity rather than long stay parking. In this case the small numbers of children attending is of a volume that Highways Officers consider could not justify a reason for refusal and that and that the resultant parking demand would not lead to issues of on-street parking that would be detrimental to highway safety.
- 10.9 The application property does provide off-street parking within the curtilage and the proposal is to extend these by providing hardstanding to the rest of the frontage that is currently lawned. These spaces will be shared between the applicant, staff and children's' parents.
- 10.10 Ultimately, although it is considered that the proposal represents, in highways terms, intensification in the use of the site it provides adequate parking will not give rise to highway safety concerns. It is therefore concluded that the application property is suitable in highways terms in that it will not be to the detriment of highway safety.

Representations

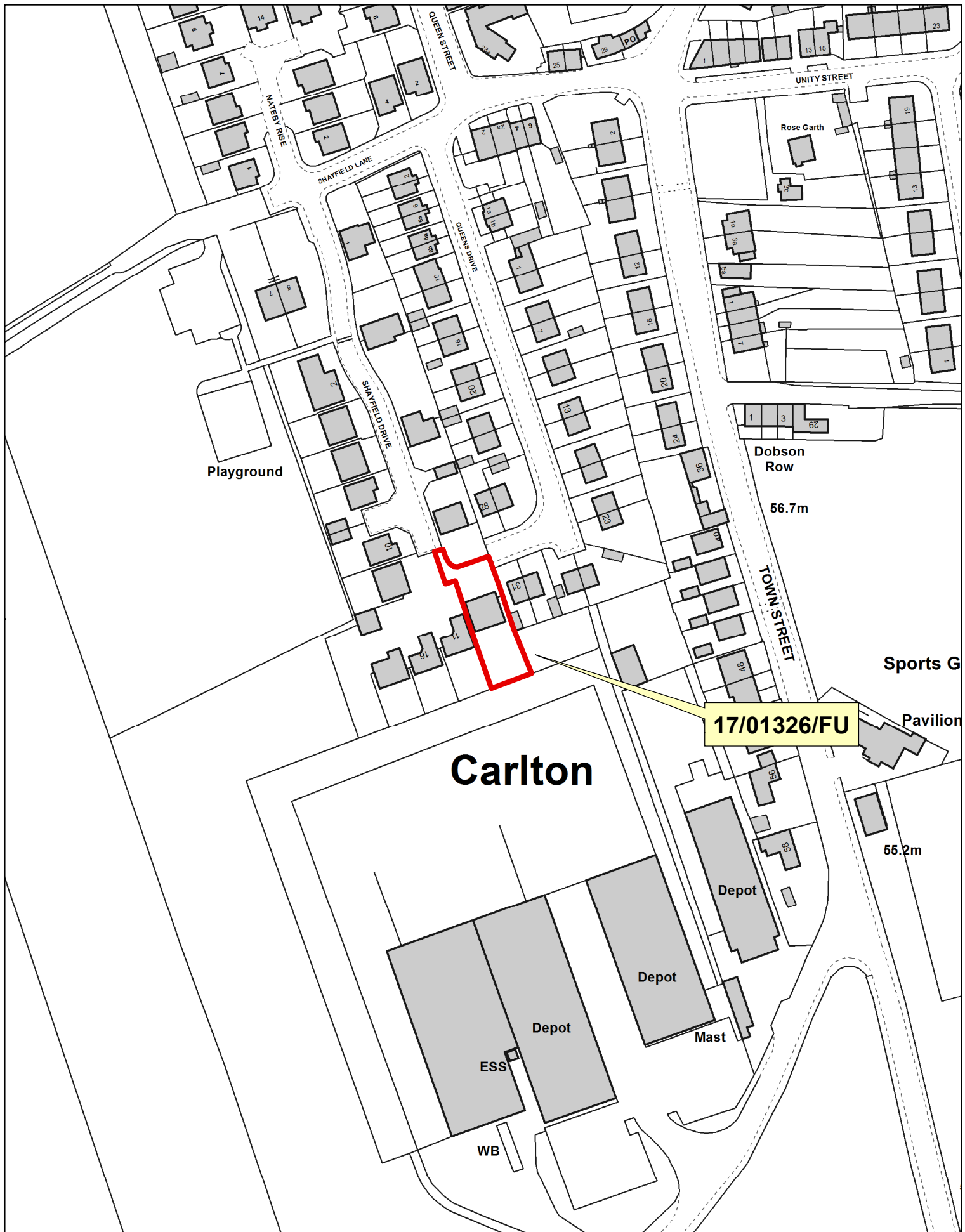
- 10.11 Most of the issues are dealt with in the preceeding part of the appraisal but the remaining points raised are considered as follows.
- 10.12 The value of properties is subjective with no evidence to sustain such a claim but also not a material planning consideration and as such not considered as part of this appraisal.
- 10.13 The other two matters of the use of a shared access and also the existence of a restrictive covenant are private matters that again are not material planning considerations that can be considered as part of this appraisal.

11.0 CONCLUSION

- 11.1 In reaching a recommendation to approve the proposed development, it is considered that the proposal fully complies with all relevant policies.
- 11.2 In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
- 11.3 Officers therefore consider that the proposed development is acceptable with no significant loss of amenity.
- 11.4 Members are therefore recommended to grant planning permission for the proposal.

Background Papers.

Application File : 17/01326/FU
Certificate of Ownership. Signed by applicant








SOUTH AND WEST PLANS PANEL

© Crown copyright and database rights 2017 Ordnance Survey 100019567

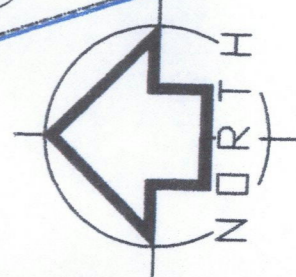
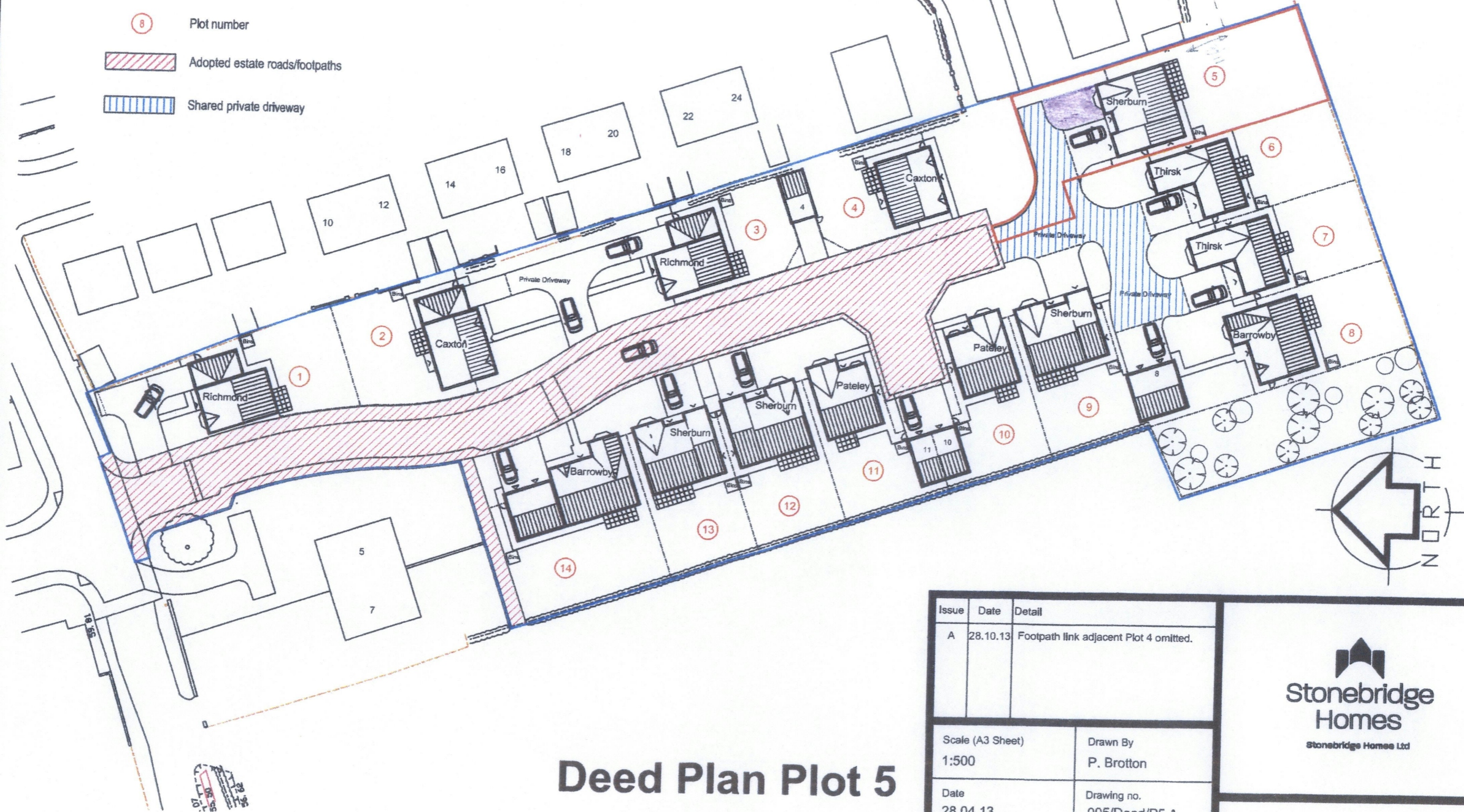
PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500



- Key:**
-  Site boundary
 -  Individual plot boundary
 -  Plot number
 -  Adopted estate roads/footpaths
 -  Shared private driveway

*Proposed
Extra parking*



Deed Plan Plot 5

Proposed residential development to land: Off Shayfield Lane, Carlton.

Issue	Date	Detail
A	28.10.13	Footpath link adjacent Plot 4 omitted.
Scale (A3 Sheet) 1:500		Drawn By P. Brotton
Date 28.04.13		Drawing no. 005/Deed/P5 A

Project
Plot 5 Deed Plan
Land off Shayfield Lane, Carlton,
Wakefield, WF3 3RH.



Park House, Park Square West,
Leeds, LS1 2PW
Tel No: 0113 357 1100
www.stonebridgeprojects.co.uk

The Design & Data indicated on this drawing is the property of Stonebridge Homes Ltd and shall not be copied under any circumstances