

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on Thursday 5 June 2025.

PRESENT: Councillors J Thompson (Chair), D Branson, I Blades, D Coupe, I Morrish, J Rostron (Vice-Chair), J Ryles and G Wilson

PRESENT BY INVITATION: Councillors

ALSO IN ATTENDANCE: Bircham, Chapman, D Hodgson (Local Democracy Reporter) (Local Democracy Unit (Press)), Inman, Kane, O'Malley, Rae, Rowe, Rowe and Younger

OFFICERS: A Glossop, Lloyd, C Lunn, Dominic and S Thompson

APOLOGIES FOR ABSENCE: Councillors

25/1 **WELCOME AND FIRE EVACUATION PROCEDURE**

The Chair welcomed everyone to the meeting and explained the Fire Evacuation Procedure.

25/2 **DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

25/3 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 10 APRIL 2025**

The minutes of the meeting of the Planning and Development Committee held on 10 April 2025 were submitted and approved as a correct record.

25/4 **SCHEDULE OF REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE**

The Development Control Manager submitted plans deposited as applications to develop land under the Town and Country Planning Act 1990.

24/0521/COU, 13 Gypsy Lane, Middlesbrough, TS7 8NF, Retrospective summerhouse to rear garden and part change of use of existing property to allow for childcare provision for up to 9 children and 3 staff members, Mon-Fri, 8am -5pm (term time only).

The Committee was advised that planning permission was sought for retrospective planning approval for part change of use of the existing property to allow for childcare provision and the erection of a summerhouse to the rear of the property, which facilitated the use.

It was explained that 31 children were registered to attend the childcare facility currently with numbers on site varying between nine and 18 throughout the day. The business also currently employed seven part-time staff, although the number of staff on shift at any one time was between three and four under normal circumstances.

Members were advised that, following concerns regarding the scale of the use and its associated impacts, the submission sought approval for a Child Care use to operate from the residential property to cater for a maximum of nine children per day (50% reduction), supported by three staff members. Operational hours would be Monday to Friday, 8:00am to 5:00pm during school term-time only.

Whilst garden buildings could be permitted development and not require planning permission, it came to light during the course of the application that the summerhouse did not meet the relevant permitted development criteria with regards to its height or to its use. Consent was therefore also being sought for the summerhouse which had already been constructed and which provided a playroom/childminding space which facilitates the use. It was understood

that this space was also used by the applicant's own children.

Objections were received from a number of residents highlighting issues regarding increased noise, traffic, parking, level of activity and change in character. Letters of support had also been received highlighting that the childcare provision was a valued and vital service that allowed parents to work.

Objections were also initially raised from the Council's Planning Policy Team and Highway Service due to overall impacts as a result of the scale of the use. Environmental Health had also commented confirming that they had no objection, subject to a noise management plan condition being put in place.

Whilst the use now sought a significant reduction in scale, it was the officers view that nine children would be the maximum suitable to be cared for from this residential property. Subject to conditions restricting children numbers and operational hours, officers were of the view that the use could be controlled to be at a level which would not significantly impact on the privacy and amenity of neighbours, or have an adverse impact on the character of the area or on the safe operation of the highway. Officers did recognise, however, that limiting impacts of any business operating from home was partially dependant on good management.

The Development Control Manager stated that 18 objections had been received, which highlighted issues with:

- Noise nuisance.
- Increased vehicle movements.
- Traffic.
- Inconsiderate parking/highway safety.
- Loss of privacy.
- Commercial use not appropriate in residential setting.
- Waste management.

It was highlighted to Members that some of the objections referenced a previous application that had been refused for childminding use. It was explained that that particular application had been refused on the grounds that the property concerned was located in a cul-de-sac, and the vehicle turning point was not conducive to the submitted proposals.

The Development Control Manager stated that 45 comments of support had been received, which indicated the following:

- Provided a local facility for working parents with young children.
- Home from home setting.
- Provided high quality childcare.
- Run by qualified, highly professional staff members.
- Essential to allow parents to continue working/return to work.
- Site allowed for sufficient parking.
- Use contributed to the local economy.
- Provided employment/apprentice opportunities

The Development Control Manager advised the Committee that the recommendation was to approve the application with conditions, which related to approved plans - retrospective; hours of use; level of use; and a noise management plan.

A Member referred to the intended operational hours and queried how this would be monitored. In response, the Committee was advised that this was difficult and, like business opening hours, were not imposed or actively monitored. However, if planning officers were alerted to a potential breach of conditions, it would be investigated. Following a subsequent query regarding involvement from other service areas, such as education, in matters of enforcement, it was indicated that other controls may be available, but these would not be a matter for planning to pursue or become involved with.

In response to an enquiry regarding the retrospective element of the application, Members were advised that the applicant was unaware that planning permission for operation of the business had been required. The business had been operating for some time; officers had

become aware of it through receipt of a complaint.

A Member commented that, to reduce the number of retrospective applications being referred to the Committee, it would be beneficial if improved links could be made between departments to encourage business owners to seek planning permission, before proceeding with their plans. In response, Members were informed that since this matter had come to light, discussions had been held with relevant officers and advice provided to encourage potential childminders to contact the planning department and discuss their plans.

A Member referred to the summerhouse that had been constructed and queried whether there had been any specific complaints made in relation to that. In response, it was explained that the complaint made in respect of the summerhouse was part of the one, overarching complaint that had been received.

Four supporters were in attendance at the meeting; the Applicant's Agent addressed the Committee. In summary, the Agent advised that:

- The business had continued operating and been shaped through ongoing discussion with the Local Authority.
- There had been a 50% reduction in the childminding capacity.
- The business had relocated from Marton in 2022; brief reference was made to competitor numbers and the legislative requirements associated with the operation of a childminding business.
- The business had been approved by Ofsted.
- There had been no material changes, other than the summerhouse.
- The summerhouse marginally exceeded permitted development height at one side, due to a slope in the ground.
- It was felt that the noted objections had derived from an increased awareness of the planning application, rather than from the actual work being carried out.
- Child pick up/drop off arrangements were made in line with Ofsted requirements.
- Objections raised from neighbours were felt to have derived from an existing dispute.
- Concerns raised in relation to highway, environment, health and planning had been addressed.

A Member referred to the construction work carried out and queried whether the local builder completing the works had raised the matter of planning permission. In response, the Agent advised that the height of the summerhouse had exceeded permitted development by circa. 150-200mm on one side, due to a slope in the ground. It was a genuine mistake by the builder and permission had not been discussed.

A Member referred to the children being cared for and queried whether all were local to the area of the business. In response, the Agent advised that this was the case; the local school was in the vicinity and therefore the facility did need to be accessible for local families.

Five objectors to the application were in attendance at the meeting, one of whom was elected to address the Committee.

In summary, the objector explained that:

- A precedence was felt to have been set. Reference was made to a property in Newquay Close and an application for change of use, which had been refused on the grounds that it would have a detrimental impact on neighbours, with noise, traffic and inappropriate design being cited.
- It was an inappropriate location for this facility. Reference was made to Environmental Health and the need for the summerhouse building to be insulated with ventilation. It was commented that, on warmer days, doors and windows would need to be opened – which would result in persistent noise between 8am-5pm, potentially five days per week. The noise currently generated could be heard inside the neighbouring properties.
- Complaints of noise pollution had already been made to the Council's planning department, prior to this application being made.
- The application lacked clarity, for example: reference was made to three staff members, but it was unclear as to the roles these staff members fulfilled.

- The Summary document noted a 50% reduction in the number of children being cared for at any one time. However, the original application noted seven part-time members of staff and therefore it was unclear where the reduction was being made.
- Nine children would be cared for per day, but it was unclear as to whether it would be the same children for both morning and afternoon, or whether it would be two separate groups of children. If the latter, this would result in increased traffic.
- Light pollution was an issue for neighbouring properties.
- The dimensions of the neighbouring property's garage previously referred to was incorrect.
- Traffic had worsened in Gypsy Lane in recent times.
- Highway safety concerns had been raised in relation to the demolition of the front boundary wall.
- The summary report referred to six children; more disruption would be caused if nine children and three staff were on site.
- The adjoining neighbours were elderly, and some were housebound.
- The weight given in supporting statements was unfair, as many had a short term interest in the facility.
- There was a loss of privacy and noise nuisance; the development also lacked infrastructure and parking and was against the general development principle.

A Member referred to the main reasons for the objections and queried whether these related to the development in its entirety, or whether it concerned the number of children involved. In response, it was explained to Members that the levels of noise from nine children and three adults was felt to be unacceptable. This was an unauthorised development, and it was felt it too much to accept such a level of disruption from a normal family home.

A Member queried the previous noise pollution reports and who these complaints had been raised with. In response, the objector advised that these had been raised with planning enforcement and it was understood that these would be forwarded to the appropriate teams via a one stop shop approach. A letter was received eight months later to state that these concerns were being looked into.

A Member referred to the term-time operational hours of the business and queried what the area was like outside of these. In response, the objector explained that it was a peaceful, suburban area when the children were not there. Captain Cooks Primary School was in the vicinity, but the noise was not overbearing as that site was very different to the one being considered.

A Member referred to the noise complaints that had been raised and queried whether any evidence gathering had been carried out by Environmental Health. In response, the objector advised that there had been no such monitoring work carried because matters had been raised with planning as part of the wider unauthorised development complaint.

A Member referred to the age of the properties in the area and consideration given to the size of families living in those properties in previous years. In response, the objector commented that not all families were particularly large, outlining his own as an example.

The Development Control Manager made the following points:

- Reference was made to the planning application for a similar business in Newquay Close, which was refused on the basis that the impact on the highway would be too great for amenity on the residents in that area. That property was in a cul-de-sac, whereas the current application referred to a residential property on a normal street with parking available. It was felt that good management should reduce any potential impact of parking.
- In terms of noise pollution, the Environmental Health team had discussed and commented on the condition of a noise management plan. Members agreed that the condition should be expanded to include quiet times in the plan; the recommendation would be revised to reflect this. It was commented that Members could further restrict usage beyond the officers' recommendations, should they wish to do so.
- There was currently a large backlog in respect of planning enforcement and complaints received which, although being worked through, did mean that some of these dated by the time it came to dealing with them.

- No comments had been received from Ward Councillors.

In response to a comment from a Member regarding parking facilities, the Transport Development Lead commented on parking issues experienced in that area of the town, with changes made to parking provision at adjacent shops impacting on the area. It was explained that traffic orders were in place that could be enforced, although obstruction was a police matter. The Council expected residents and visitors to act reasonably when parking their vehicles. Consideration was given to the parking demands upon the business, and the effective management of this at present.

The Committee discussed the issue of noise disturbance. It was felt that, if the application was approved, the noise emitting from the business would need to be monitored.

A Member commented that the business had been operating successfully and offered local employment. The business had been awarded a 'Good' Ofsted rating and provided support to local families.

ORDERED that the application be Approved for the reasons set out in the report, subject to expansion of the Noise Management Plan condition to include reference to quiet times.

25/5

WEEKLY LIST UPDATES - APPLICATIONS RECEIVED

The Development Control Manager submitted details of new planning applications that had been received on a weekly basis over the last month. The purpose of this was to provide Members with the opportunity of viewing current live applications, which had yet to be considered by officers.

The Committee discussed the contents of the document. The officer advised that if Members felt that an application ought to be considered by the Committee, he should be advised accordingly.

NOTED

25/6

DELEGATED PLANNING DECISIONS

The Development Control Manager submitted details of planning applications which had been approved to date in accordance with the delegated authority granted to him at Minute 187 (29 September 1992).

NOTED

25/7

PLANNING APPEALS

The Development Control Manager provided an update to Members on two planning appeals, both of which had been dismissed.

NOTED

25/8

ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.

Site Visits

A Member referred to site visits and queried whether it would be possible for them to be reintroduced.

During discussion, Members considered the costs involved in undertaking site visits; the potential advantages of site visits when preparing to consider larger or more contentious applications; and the possible use of other resources, such as Google Maps, in preparing to consider planning applications.

The Chair indicated that they would liaise with the appropriate officers and report back to the Committee.

AGREED that:

- 1. The Chair would investigate the possibility of resuming site visits with relevant officers and report back to the Committee accordingly.**
- 2. The information, as presented, was noted.**