
APPLICATION DETAILS

Application No:	24/0521/COU
Location:	13 Gypsy Lane, Middlesbrough, TS7 8NF
Proposal:	Retrospective summerhouse to rear garden and part change of use of existing property to allow for childcare provision for upto 9 children and 3 staff members, Mon-Fri, 8am -5pm (term time only).
Applicant:	Miss Katie Inman
Agent:	Adapt Architectural Solutions Ltd
Ward:	Marion East
Recommendation:	Approve Conditionally

SUMMARY

The application seeks retrospective planning approval for part change of use of existing property to allow for childcare provision and the erection of a summerhouse to the rear of the property which facilitates the use.

31 children are registered to attend the childcare facility currently with numbers on site varying between nine and 18 throughout the day. The business also currently employs 7 part time staff although the number of staff on shift at any one time are between three and four under normal circumstances.

Following concerns regarding the scale of the use and its associated impacts, the submission seeks approval for a Child Care use to operate from the residential property to cater for a maximum of 9 children per day (50% reduction), supported by 3 staff members. Operational hours will be Monday to Friday, 8:00am to 5:00pm during school term times only.

Whilst garden buildings can 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 is therefore also being sought for the summerhouse which has already been constructed and which provides a playroom/childminding space which facilitates the use. It is understood that this space is 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 have also been received highlighting that the childcare provision is a valued and vital service which allow parents to work.

Objections were also initially raised from the Councils Planning Policy Team and Highway Service due to overall impacts as a result of the scale of the use. Environmental Health have

also commented confirming that they have no objection subject to a noise management plan condition being put in place.

Whilst the use now seeks a significant reduction in scale it is the officers view that 9 children would be the maximum suitable to be cared for from this residential property. Subject to conditions restricting children numbers and operational hours, officers are 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 do recognise however that limiting impacts of any business operating from home is partially dependant on good management.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site relates to 13 Gypsy Lane which is a two-storey semi-detached property which is located to the northern side of Gypsy Lane in Marton. The application site lies within an established residential area. It is not designated for a specific use in the adopted Development Plan.

The application site is being used as a residential dwelling and as a child day care/childminding facility which operates from a series of outbuildings within the applicants/owner's rear garden.

In this case the application is retrospective as the change of use has already commenced, as such the operation of the business has been assessed in situ.

During the course of the application, it was found that the summerhouse which facilitates the use did not meet the constraints to be considered permitted development. In view of this permission is now also being sought for the summerhouse which will also be considered as part of this application.

PLANNING HISTORY

No relevant planning history

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).
- Stainton and Thornton Neighbourhood Plan (2022)

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

Housing Local Plan (2014)

- H1 Spatial Strategy
- CS17 Transport Strategy

Core Strategy DPD (2008)

- CS4 Sustainable Development
- CS5 Design
- CS18 Demand Management

- CS19 Road Safety
- DC1 General Development

Other Relevant Policy Documents

- Tees Valley Design Guide and Specification – Residential and Industrial Estates Development

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

Public Responses

Number of original neighbour consultations	8
Total numbers of comments received	63
Total number of objections	18
Total number of support	45
Total number of representations	63

Objection comments

1. Mrs P.K Younger - 22 Gypsy Lane
2. Ann Ulster - 26 Lime close, Middlesbrough
3. E Edwards - 8 Dorchester Close, Middlesbrough, TS8 9EZ
4. T Wilson - 1 Gypsy Lane, Middlesbrough
5. N Jane – 18 Eastbourne Gardens, Middlesbrough, TS3 0PD
6. Nina Cliff – 44 Worley Avenue, Gateshead, NE96AL
7. Peter Rowe - 17 Rockliffe Road, Middlesbrough, TS5 5DL
8. Ann Rust - 10 Gypsy Lane, Marton, TS7 8NG
9. 9 Hanilton Grove, Teesville, Middlesbrough, TS6 0AH
10. B Chapman – 71 Cleveland Street, Middlesbrough, TS6 9JR
11. R Smith - 2a Gypsy Lane, Middlesbrough
12. James A Shaw - 17 Gypsy Lane, Middlesbrough, TS7 8NF
13. Andrew Kane – 13 Farne Avenue, Newcastle upon Tyne, NE3 2BJ
14. Dianne Moortown - 31, Gypsy Lane, Middlesbrough, TS7 8NF
15. Ian Towers - 6 Gypsy Lane, Middlesbrough, TS7 8NG
16. Ian Chapman – 11 Gypsy Lane, Middlesbrough, TS7 8NF
17. Iris Rowe – 15 Gypsy Lane, Middlesbrough, TS7 8NF
18. A W - 252 West Farm Avenue, Tyneside

Objections raised are summarised as follows –

- Noise nuisance
- Increase vehicle movements
- Traffic
- Inconsiderate parking/Highway Safety
- Loss of privacy
- Commercial Use not appropriate in residential setting
- Waste management

- Outbuilding not in keeping with the area

Support comments

1. Lee Heighton & Helen Massey – 15 Brindle Close, Middlesbrough, TS7 8PS
2. Alexandra Smith – 53 Gunnergate Lane, Middlesbrough, TS7 8JA
3. A Shuttleworth & C Smith – 21 Bath Road, Eston, Middlesbrough, TS6 9PH
4. Emily & Rhys Davies – 3 Shandon Park, Middlesbrough, TS8 9XS
5. Lauren Dearlove & Paul Sinclair – 88 Gypsy Lane, Middlesbrough, TS7 8NH
6. Lee Hawkins & Katie Bond – 239 Eagle Park, Middlesbrough, TS8 9QT
7. Liam Peter Harrison - 52 Woodlea, Middlesbrough, TS8 0TX
8. Emily Brown - The Mews, Church Lane, Ormesby, Middlesbrough, TS7 9AS
9. Nicola Padgett - Lingfield Primary School, Buxton Avenue, Marton, Middlesbrough
10. Jake & Anna Henderson – 14 Cookgate, Nunthorpe, Middlesbrough, TS7 0LP
11. Alma Belles - Calon y Garreg, Bwlchgwn, Wales, LL11 5UT
12. Amy Scott – 83 Gypsy Lane, Middlesbrough, TS7 8NF
13. Jackie Walker - 43 Woodvale, Middlesbrough, TS8 0SH
14. Faye Makin - 26 Chesterfield Drive, Middlesbrough, TS8 9ZE
15. Stephanie Wall – 5 Grange Crescent, Middlesbrough, TS7 8EA
16. Charlotte Flanagan – 2 Benton Road, Middlesbrough, TS5 7PQ
17. Laura Callan – 3 Scotforth Close, Middlesbrough, TS7 8PU
18. Hayley Gordon - 36 Moor Park, Middlesbrough, TS7 0JJ
19. Melissa Williams – 5 Urra Moor Close, Middlesbrough, TS8 9GA
20. Rebecca Smith – 6 Orleans Grove, Middlesbrough, TS7 8QH
21. Martha Lydia Jeal - 35 Birchwood Road, Middlesbrough, TS7 8DD
22. P & S Dawson -23 Fencote Grange, Nunthorpe, Middlesbrough, TS7 0AU
23. Kerrie Collings - 7 Popular Grove, Brotton, TS12 2UX
24. Barbara & Paul Cleasby – 44 Trefoil Wood, Middlesbrough, TS7 8RR
25. Sophie McKenna - 53 Trefoil Wood, Middlesbrough, TS7 8RR
26. Amanda Livingstone - 4 Gypsy Lane, Middlesbrough, TS7 8NG
27. 10 Farington Drive, Middlesbrough, TS7 8PH
28. Kate Burgess – 11 Silverdale, Middlesbrough, TS7 0RF
29. Alma Hellaoui - 51 The Avenue, Middlesbrough, TS5 6QU
30. Lucy Felgate - 41, The Covert, Middlesbrough, TS8 0WN
31. Paul Drake - 4 Breckon Close , Nunthorpe, Middlesbrough, TS7 0GZ
32. Dean & Claire Carney - 169 Low Gill View, Middlesbrough, TS7 8AX
33. Laura Bothwell - 10 Farmside Mews, Middlesbrough, TS8 9UR
34. Emma Ramsdale - 7 St Andrews Road, Middlesbrough, TS7 8EQ
35. Emily & Rhys Davies - 3 Shandon Park, Middlesbrough, TS8 9XS
36. Gemma Nicholls-Pickering - 7 Wolsingham Drive, Middlesbrough, TS5 8JU
37. B & CM Bothwell - 18 Chestnut Drive, Middlesbrough, TS7 8BT
38. Sophie Rae - 35 Worsley Crescent, Middlesbrough, TS7 8LU
39. Sammy Gomez – Lee - 18 Oakley Close, Middlesbrough, TS8 9PX
40. Paul & Phillipa McGee – 4 Stainton House, Marwood Wynd, Stainton, Middlesbrough,
41. Margaret Wardrop, 23 Cheltenham Avenue, Middlesbrough, TS7 8LR
42. Neil & Leanne Brettle - 33 Canberra Road, Middlesbrough, TS7 8ES
43. Zoe & Robert Dowson - 10 Darnbrook Way, Middlesbrough, TS7 0RA
44. Clare Norman - Calon y Garreg, Ruthin Road, Bwlchgwyn, Wrexham, LL11 5UT
45. Carol Bowdler - 17 Tirril Way, Middlesbrough, TS7 8PN

Support comments are summarised as follows –

- Provides a local facility for working parents with young children
- Home from home setting
- Provides high quality childcare

- Run by qualified, highly professional staff members
- Essential to allow parents to continue working / return to work
- Site allows for sufficient parking
- Use contributes to the local economy
- Provides employment/apprentice opportunities

Consultee comments (Initial comments prior to reduction in scale)

MBC Environmental Health

Having reviewed the previous use of the site, the nursery has been in operation for around 6 months at its present location, with no noise complaints received during this time. I have liaised with the agent with regards to noise management and they have provided suitable answers as to how noise will be managed as well as details of how the buildings are insulated, whilst also being provided with sufficient ventilation, meaning the doors and windows do not need to be opened for ventilation. I would recommend the following conditions, should the application be successful: Adhere to the noise management plan/timetable, outlined by the agent via email. Hours of opening/use shall be restricted to between the hours of 8:00 and 17:00 Monday to Thursday, term time only.

Strategic Policy Team

The principle of providing childcare facilities within a residential area would not be contrary to the Development Plan Policies, where the childcare use is of a small scale that would not result in a detrimental impact on neighbour's amenity. Indeed, in principle, the provision of accessible childcare services can have a positive economic impact and be consistent with sustainable development. However, it is considered that the scale of childcare that is the subject of this planning application is overly large and would result in a significant detrimental impact on the amenity of occupiers of nearby dwellings that would outweigh the positive aspects of the proposal.

Highways

Proposals seek the change of use to enable a children's nursery to be operated from the site. These facilities operate in addition/linked to the existing residential dwelling on the site. The key consideration in assessing the proposals are the potential impacts associated with traffic and parking generated by the site and its impact on neighbours and the adjacent highway.

Gypsy Lane has historically had issues with regards to parking demand and the associated impact from indiscriminate parking occurring. As a result measures have been introduced to seek to manage these issues and can be seen in extensive Traffic Regulation Orders;

- North side of Gypsy Lane - No Waiting at Anytime,

Double Yellow lines to the Northern side along it's length from Marton Road to o/s 9 Gypsy Lane (circa 65m)

Beyond the Yellow Lines up to o/s 49 Gypsy Lane (circa 185m) the carriageway is marked with parking bays with White advisory H bar markings to protect driveways.

- South side of Gypsy Lane - No Waiting at Anytime

Double Yellow lines to the Southern side along it's length from Marton Road to o/s 51 Gypsy Lane (circa 265m).

The adjacent shopping parade have also introduced limited duration enforced parking. Anecdotal evidence is that these measures on the private land has lead to a displacement of some parking (staff) associated with the shopping parade onto Gypsy Lane thus increasing demand for parking. It can therefore be seen that the local highway network already has existing parking issues and parking demand significantly exceeds available supply.

Development proposals have been assessed using the Tees Valley Highway Design Guide as a starting point which, based upon information supplied by the applicant, results in the following parking requirements;

- 4 Bedroomed property 3 spaces
- Nursery/Creche 1 space per 2 members of staff.
- 7 PT staff (3.5 FTE) with 3 or 4 staff on site at any one time 2-3 spaces
- 1 space per 5 children (31 children registered 6 spaces)

Total - 11-12 spaces.

Site plans and the application form state that 7 car spaces can be provided within the property curtilage. This leaves a theoretical shortfall/demand in parking that would be displaced onto the public highway of 4-5 vehicles. However the layout of the site is such that the available car parking is provided in 2 tandem rows, that is to say that vehicles park in rows nose to tail hence blocking each other in. Vehicles parked in such an arrangement are reliant on other vehicles having to be moved to access/egress parking spaces and deliver the quantum stated. Within the site in question, only the rearmost 3 spaces can be considered independently accessible. At some point the property front boundary wall has been removed to enable parking across the site frontage as proposed although the dropped vehicular crossing has not been widened. Vehicles parked and accessing spaces to the right of the property would prevent lawful use of the marked parking bay on Gypsy Lane to the site frontage or alternately vehicles parked within the site could be blocked in by vehicles lawfully using the on-street parking. The proposed parking arrangements are therefore further reduced in terms of practicality and the number than could be realistically achieved on site.

Tandem parking could be potentially assessed as being suitable for use by staff as they are at the same venue however given that staff work part time this would result in situations at shift start/end times where vehicles would need to be moved around to enable new staff to enter and departing staff to leave. Again parking associated with the household in theory could be blocked in by staff/others however there is no guarantee that household residents would not wish to freely go about daily business throughout the day without again the need to move cars in order to park or leave. Parents dropping off or picking up children are again unlikely to block other parents in for fear of preventing someone else from leaving. Generally speaking whilst technically 7 spaces can be demonstrated to be provided within the curtilage there are significant doubts over the practicality of this on a day to day basis and as such the realistic number of spaces that could be practically used is significantly lower. A convoluted parking arrangement, particularly for parents who may be dropping off on the way to work or on the way home, is more likely to make on-street fly parking more attractive, particularly if such parking is for shorter periods of time.

The location of the property to the Western end of Gypsy Lane means that it is the section of double Yellow lines and/or pavement parking, which will prove to be more attractive to parents. White H bar markings which exist along Gypsy Lane are only advisory in nature and as such cannot be enforced. It is the view of the Highway Authority that the number of children and staffing as proposed is an intense use of the site and will create significant demands on the adjacent highway in terms of movements and associated parking. This is due to the impractical nature of the proposed parking arrangements, which do not provide independently accessible spaces and the level of demand generated by the scale of the use of the site will lead to a parking demand that cannot be met within the site curtilage. Parking will therefore be displaced onto the adjacent public highway where it will be to the detriment of the free flow of traffic, obstruction of footways and/or damage to the fabric of the public highway. The scale and intensity of the development as proposed could not be supported and as such likely to lead to a recommendation to refuse.

Discussions with colleagues in planning have identified that it is likely that a condition will be imposed on any planning approval which seeks to restrict the number of children on site at any one time to 6. The imposition of this condition will reduce the number of children and associated staffing levels. In turn this will significantly reduce the traffic generation and demand for parking generated by the proposals to a level where it is considered that such parking could be accommodated within the site and/or with minimal additional demands being placed on the adjacent highway. On the basis that such a condition would be applied to an approval no objections would be raised.

MBC Waste Policy

No comments

No consultee comments have been received regarding the revised scheme (reduced scale).

Full comments are available to view online via the following link –

<https://planning.agileapplications.co.uk/middlesbrough/application-details/39559>

PLANNING CONSIDERATION AND ASSESSMENT

National Planning Policy Framework

1. Section 38 of the Planning and Compulsory Purchase Act requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
2. The National Planning Policy Framework (NPPF) was most recently revised and published by the Government in December 2024 and is a material consideration. The NPPF states that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para. 12). In determining planning applications, due weight should be given to local planning policies in accordance with their consistency with the revised Framework, with greater weight given the closer policies are to those in the Framework (para 232).

Policy

3. Policy H1 identifies strategic locations for development. Outside of these locations the Policy advises that proposals will need to be sited within the urban area where they are easily accessible to the community they serve and satisfy the requirements for sustainable development as contained in Policy CS4. The application site is located within the urban area.
4. Policy CS4 requires that all development contributes to sustainable development. This includes criterion (a) contributing to achieving sustainable economic development. The provision of child day care facilities will make a contribution to economic development as a result of the staff directly employed at the facility and indirectly by enabling parents to work while their children attend the facility.
5. Criterion (d) of Policy CS4 seeks to ensure that everyone has access to the facilities that they need in their daily lives. The use of the application site for child day care would provide a local facility for working parents with young children.

6. Criterion (g) of Policy CS4 requires that services are accessible on foot, bicycle, or by public transport and that use of sustainable forms of transport are encouraged and the site is considered to be reasonably accessible by these methods.
7. In principle the proposal is considered to meet these aspects of Policy CS4.
8. Policy CS5 aims to secure a high standard of design for all development, ensuring that it is well integrated with the immediate and wider context. Policy DC1 takes account of the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials. Policy DC1 also requires that the effect upon the surrounding environment and amenities of occupiers of nearby properties will be minimal and the effect on noise pollution will be limited. This is considered in detail further in the report.
9. Policy CS17 similarly seeks to deliver a sustainable transport network, which includes promoting alternative modes of transport other than the private car. Policy CS18 also requires that development proposals improve the choice of transport options, including promoting opportunities for cycling and walking. The application site is in a sustainable location within walking distance of bus stops on Stokesley Road and Dixons Bank and in relatively close proximity to cycle paths, thereby meeting these aspects of Policy CS18.
10. Policies CS19 and DC1 collectively require that development does not have a detrimental impact upon road safety and/or the capacity of transport infrastructure which is considered elsewhere in the report.

Proposal

11. The Design and Access Statement submitted with the application advised that 31 children are registered to attend the childcare facility currently with numbers on site varying between nine and 18 throughout the day. The business also currently employs 7 part time staff although the number of staff on shift at any one time are between three and four under normal circumstances.
12. Following concerns regarding the scale of the use the applicant is now applying to care for a reduced number of children, down from 18 at any one time to a maximum of 9 children per day (50% reduction), supported by 3 staff members. Operational hours will be Monday to Friday, 8:00am to 5:00pm during school term times only.
13. Consent is also sought for the summerhouse which has been erected within the rear garden of the property which provides a playroom/childminding space which facilitates the use.
14. Permitted development (PD) rights allow certain extensions and alterations to be carried out to residential properties providing that they meet certain criteria. However, it has come to light during the course of the application that the summerhouse is slightly over the PD limitation with regards to the height to its eastern side and therefore requires planning approval in this regard. In addition, officers are of the opinion that the summerhouse does not meet the relevant criteria within the Permitted Development allowances in terms of its use which require it to be 'incidental use only' to the residential use of the property. An incidental use is one that has a functional relationship with, but is not integral to, the primary use of the planning unit. The childminding business operates solely from the summerhouse and other existing outbuildings on site and whilst the summerhouse maybe used by the applicants family members outside of business operation hours, it is the officers view that childminding is the primary use of the building and domestic use is secondary to

that, and therefore does not benefit from Permitted Development allowances meaning it requires planning permission.

15. The summerhouse is situated to the rear of an existing detached pitched roof garage which has been converted under permitted development rights to a utility and craft room. The summerhouse is adjoined to the utility/craft room by a covered entrance, collectively the additions project 10.2m and have a width of 3m. The building aligns with the eastern elevation of utility/craft room but is set in 0.5m from its western elevation so that this section is set 1m off the shared boundary with the detached neighbour (No. 11). The summerhouse has a roof which has a marginal slope from front to back measuring 2.6m at its highest point and 2.4m at its lowest. Externally the summerhouse is timber clad and has been fully insulated to allow for both summer and winter use.
16. In terms of its appearance the summerhouse it is a relatively large garden structure, but is of a high-quality design, it's a single storey secondary addition that is considered to be proportionate to the host property and plot size with low height roof and is also positioned sympathetically off the shared western boundary and thereby considered to be a suitable addition within this residential curtilage. The existing boundary treatment also offers an element of screening so that only its top section is visible above the fence line. The design and scale of the development would not draw the eye as appearing dominant or obtrusive in relation to surrounding dwellings. Overall, the scale, design, location and materials of the outbuilding would be similar to other outbuildings within the vicinity and thereby would not be out of keeping or have a significant impact on character and appearance of the area in accordance with Policy CS5 (c).

Principle of the Use

17. In planning case law, it has been established that people can run businesses from residential properties without the need for planning permission where the business use does not overly dominate the established residential use and typically where the impacts are not significant. It would normally be expected that a business operating from a dwelling is not unduly obvious and would not unduly change the residential character of the area.
18. There is no specific legislation or guidance which defines at what point a business passes from not needing planning permission to needing planning permission and arguably every site is different, and every business will have some differences. Instead, it is the job of the Local Planning Authority to apply consideration to relevant planning matters and come to a balanced view. This should take account any best practice, appeal decisions or case law that exists and which is relevant to the proposal at hand.
19. Officers have noted that some Local Authorities, in relation to a childminding business, will allow caring for up to 6 children by one staff member at home without needing planning permission, assumingly based on this not being too dissimilar to a large family home and therefore unlikely to result in a notable material change to the property.
20. Whilst the use currently operates at a much higher level, the application is now seeking approval to care for maximum of 9 children per day (50% reduction), supported by 3 staff members. Whilst proposed children and staff numbers are not significantly over and above what could be achieved without planning permission, it is considered permission is still required in respect of the use as it will still constitute a material change to the present use of the site.

21. The use would provide a local facility for working parents with young children. The provision of child day care facilities will make a contribution to economic development as a result of the staff directly employed at the facility and indirectly by enabling parents to work while their children attend the facility. The site is also located within a sustainable location which is easy to reach by public transport or on foot and bicycle for those that live locally.
22. The principle of providing childcare facilities within a residential area would not be contrary to the Development Plan Policies, where the childcare use is of a small scale that would not result in a significant detrimental impact on the amenity of occupiers of nearby dwellings that would outweigh the positive aspects of the proposal. This view aligns with the comments received from the councils Planning Policy team.

Impacts on amenity

23. The main concerns raised by neighbours is noise and the level of activity associated with the childcare use and vehicle movements with child drop offs and pickups, considering these to be detrimental to neighbouring properties amenity through the current level of general comings and goings to the site.
24. Having visited the site, officers acknowledge that the childcare provision appears to be very professional and well managed by staff and appreciate that they have taken some steps with regards to noise and parking to try and minimise impacts on neighbours. Whilst some matters can also be controlled via planning condition, officers are still of the view that the current levels the business is running at are just too high for this setting which is a semi-detached property in a fairly tight knit residential estate, although recognising that the site is near to Marton Shops and Stokesley Road/Marton Road which is a key traffic route in the area.
25. The applicant is now applying for a 50% reduction reducing children's numbers from a maximum of 18 on site at one time to a maximum of 9 with 3 staff members which is a significant reduction. Reducing the number of children will result in a notable reduction in activity, noise and vehicle movements particularly as arrival and collection times are staggered. As the revised proposal will no longer be able to offer wraparound care mid-day vehicle movements will also be eliminated.
26. With regards to noise, the business has a general timetable it runs to ensuring time outdoors will be structured and managed effectively by staff and can be controlled via a noise management plan condition. Whilst noise associated with children interacting may be audible, the number of children in attendance is intended to be restricted via condition (to no more than 9), along with the opening hours of the business ensuring that no additional noise would be experienced at weekends and during early mornings and late afternoons / evenings.
27. In considering this proposal it is recognised that multiple gardens in the area may have children using them independent and noise from these would also be audible in the wider area, this being a general matter associated with areas of family housing. It is also recognised however that concentrating the number of children within a garden as would be the case here, would have greatest impact on the amenity associated with immediately adjacent properties.
28. The summerhouse has been fully insulated to allow for both summer and winter having internal wall mounted electric heaters which also function for air cooling during the summer. However, it is noted the business will only operate during term

time only and closed for most of what would be considered the warmer months / summer holidays which will also limit the need for windows and doors within the outbuilding to be open. The summer months typically also tend to be the time of year when other property owners will make most use of their own gardens and would achieve respite from any noise associated with the proposed during school holiday periods.

29. On balance it is considered that the use of the summer house and rear garden for childcare for the reduced number of 9 children, subject to being operated as indicated, is unlikely to have significant increase in noise and activity levels which would significantly impact upon the amenities of occupiers of nearby properties.
30. With regards to the impacts on amenity and privacy as a result of the comings and going's from the site, i.e. the drop off's and pick up's, the proposed staggered arrangement of these along with the reduced numbers and making some allowance for travel by foot, it is considered that this would not be so significant as to warrant refusal of the application. It is accepted that this would clearly be noticeable, but recognition is given to the site related circumstances, of being a relatively well trafficked street, in close proximity to the local shopping parade and where on street parking is already notably taking place. Pick up's and drop offs will be happening predominantly at times when other residents of the street are going to and returning from work or going to and returning from school drop off's.
31. Immediate neighbours will note comings and goings much more and active play / use of the rear garden much more than other residents in the wider area. The rear garden boundary is a typical garden fence arrangement which is considered to give reasonable privacy to neighbours although it is accepted that the perception of privacy of adjoining rear gardens may be more affected from voices etc regularly being within the rear, where existing residents may typically expect a higher level of privacy and amenity. Whilst noted, it is considered that adequate privacy would remain. In terms of the frontage of properties, the comings and going of visitors will be more noticeable than in a typical property and again, the perception of privacy being affected will be likely. However, the properties already view out across driveways to the pavement and the site is in a location where people will walk to school or to the nearby shops etc. Given the limited likely time span of pick ups and drop off's it is considered that privacy to the front of properties would not be unduly affected.
32. Those residents who do not go out to work are more likely to notice the operation of the business, however, in view of the above matters, it is considered that, with good management, the operation of a child-minding business for upto 9 children is reasonable in this location and would be without undue harm to the amenity and privacy associated with the wider area.
33. With regards to the summerhouse, whilst it may be visible to some degree from adjacent properties, it is not considered excessive or of a scale or sited in such a way that would significantly impact the amenity of the immediate neighbours particularly as its lowest point sits closest to the boundary. The separation distances between the neighbouring properties is acceptable in this case. The summerhouse will be set away from any primary room windows ensuring that any impact in terms of loss of light, visual impact, outlook and any loss of amenity will be minor in accordance.
34. On balance the proposal is considered to meet the requirements of Policy DC1 (test c).

Highway matters

35. The property previously had a front boundary wall which has since been removed under permitted development to enable parking across the site frontage. The site plan shows that 7 car parking spaces can be provided within the property curtilage, the layout of the site is such that the available car parking is provided in 2 tandem rows.
36. The Council's Highway Officer initially raised concerns regarding the number of children and staffing as it would create significant demands on the adjacent highway in terms of movements and associated parking.
37. However, the reduced number of children and staff will result in significantly less traffic and activity, particularly during drop-off and pick-up times. To manage this effectively, parents will be continued to be contracted to stagger their arrival and encouraged to use the applicant's private driveway, or the on-road parking bays for this purpose. Additionally, it is understood that the use cares for a number of siblings which reduces the number of individual car journeys further and some also walk to the site which is what would be expected for a local facility although this can and will change as turnover of children takes place.
38. The driveway would allow for staff, who arrive on site first, to park within the curtilage of the site and for parents to pull up behind. The handover of children is understood takes no more than 5-10 minutes and thereby cars arrive and leave the site within a relatively short period. It is therefore reasonable to accept (based on good management) that parents would gather at the premises simultaneously. In addition, any interactions associated with the drop off and collection of children are unlikely to be inherently noisy or to endure for very long, taking into account the amount of properties within the street and the site being near to the junction with Marton Road.
39. Concerns were initially raised that the parking arrangement could lead to vehicles being blocked in with only the rearmost 3 spaces being considered independently accessible. Following these concerns, a number of site visits unbeknown to the applicant were conducted to view how the drop off arrangement worked in practice. It was found that vehicle movements/activity associated with the current level of the use was high, but arrival times were staggered, and all drop offs were made via the applicant's own driveway, on road bays or made on foot. All parents parked with respect on those occasions and there were no instances in which cars were parked inconsiderably.
40. Whilst the advice from the Council's Highways Officer (summarised in the consultee section) is that the use should likely be reduced to 6 children to address concerns over parking arrangements, it is considered that the management of pick ups and drop off's can reasonably allow for a slight increase to this and officers have considered the reasonable maximum limit of children should be 9 in this regard.
41. The 50% reduction in children (down to 9) and associated staffing levels in turn will significantly reduce the traffic generation and demand for parking generated by the proposals to a level where it is considered that such parking could be accommodated within the site and/or with minimal additional demands being placed on the adjacent highway.
42. On balance the respective highways related policies are considered to be adhered to.

Conclusion.

43. Overall, the reduction should strike a balance between maintaining a viable business and addressing concerns raised by local residents ensuring it would not result in an undue detrimental impact on neighbour's amenity and privacy, would not have an undue adverse impact on the character of the area or on the safe operation of the highway. All other issues raised have been considered but do not justify refusal of planning permission.
44. In view of the above, the proposal is considered to be an acceptable form of development fully in accordance with national and local policy and is therefore recommended for approval subject to relevant conditions

RECOMMENDATIONS AND CONDITIONS

Approve Conditionally

1. **Approved Plans - Retrospective**

The development hereby approved is retrospective and has been considered based on the details on site and on the plans and specifications detailed below:

- a) Location plan received 16th January 2025
- b) Proposed block plan/parking plan received 16th January 2025
- c) Summerhouse floor plans and elevations received 6th May 2025

This approval only relates to the details on the above plans and specifications, it does not relate to any other works.

Reason: For the avoidance of doubt and to ensure that the development is carried out as approved.

2. **Hours of Use**

The use hereby approved shall operate Monday to Friday, 8am - 5pm, term time only.

Reason: To ensure a satisfactory form of development in the interests of the amenities of residents having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF

3. **Level of Use**

The use is permitted to care for a maximum of 9 children per day supported by a maximum of 3 staff members at any one time.

Reason: To ensure a satisfactory form of development in the interests of the amenities of residents having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

4. **Noise management plan**

A noise management plan shall be submitted to and approved in writing by the Local Planning Authority within 2 months of this approval.

The use hereby approved shall only be operated in accordance with the approved noise management plan.

Reason: To ensure a satisfactory form of development in the interests of the amenities of residents having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

REASON FOR APPROVAL

This application is satisfactory in that the use and associated summerhouse accord with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with the NPPF. In addition the use and associated summerhouse accord with the local policy requirements (Policies CS4, CS5, CS17, CS18, CS19 and DC1 of the Council's Local Development Framework).

In particular, the proposed use and rear summerhouse will not prejudice the character and function of the area and will not significantly impact any adjoining or surrounding properties. The traffic generated, car parking and noise associated with the use will not be of a level likely to result in an unacceptable impact on nearby premises. The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations, which would indicate that the development should be refused

INFORMATIVES

Noise Management Plan

If a noise management plan is not submitted and approved within the time frame specified to satisfy Condition 4 then the condition will require cessation of the business.

IMPLICATIONS OF THE DECISION

Environmental Implications:

The proposal relates to business operating from a residential property and its environmental impacts have been considered within the report above. Such considerations have included amongst others, character, privacy and amenity, noise and disturbance implications. In view of all those considerations, it is on balance judged that in this instance the associated environmental impacts are considered to not be unduly significant.

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the recommendation is made having taken regard of the Local Development Plan Policies relevant to the proposals and all material planning considerations as is required by law.

The application has undertaken consultation with neighbours likely to be affected, has purported these and has taken relevant material planning considerations into account. It is considered that no Human Rights have been unduly affected.

Public Sector Equality Duty Implications:

This report has been written having had regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010 and to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

There are no matters relating to this application which relate to harassment, victimisation or similar conduct or which would affect equality of opportunity or affect the fostering of good relations between people with and without protected characteristics.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report. Specifically, considerations around designing out opportunity for crime and disorder have been detailed within the report. Whilst actions of individuals are not typically a material planning consideration in reaching a decision in this regard, designing out the opportunity for crime and disorder is aligned to good quality design and is, in that regard a material planning consideration.

There are no specific matters relating to community safety although the proposals relate to operational use and use of the highway.

Financial Implications:

There are no direct financial implications for the council in regards to this application.

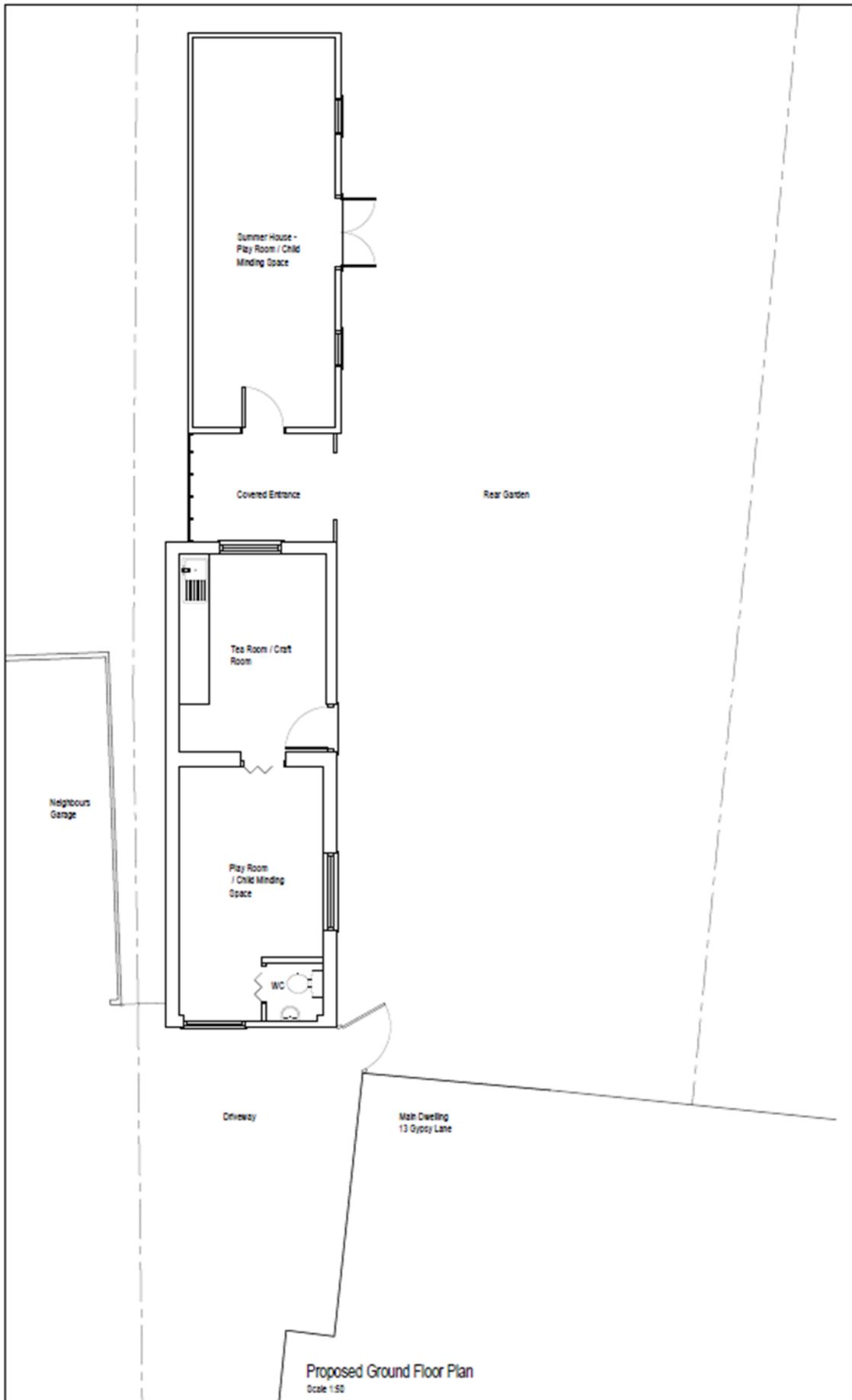
Case Officer: Joanne Lloyd

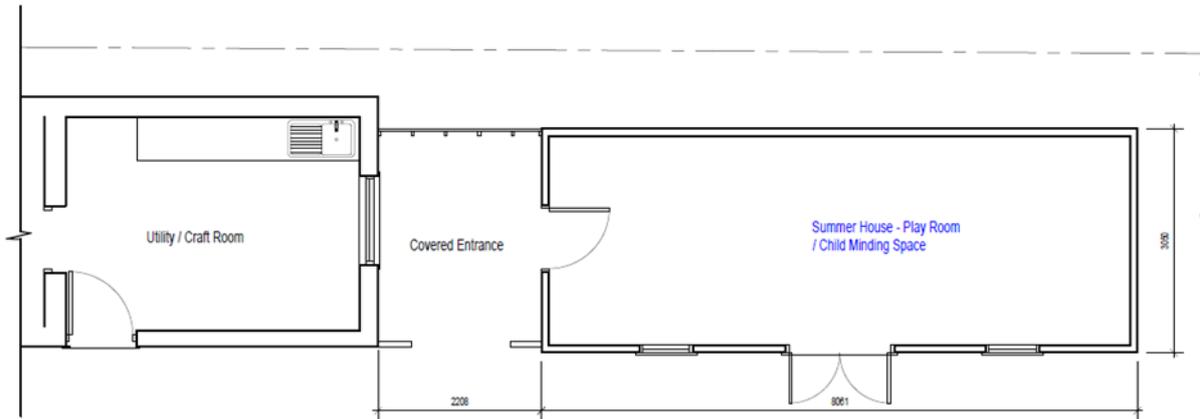
Committee Date: 5th June 2025

Appendix 1: Site Location Plan

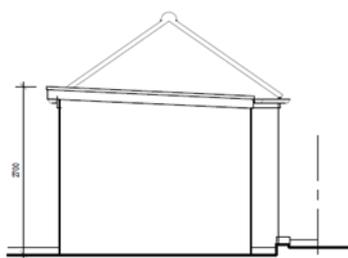
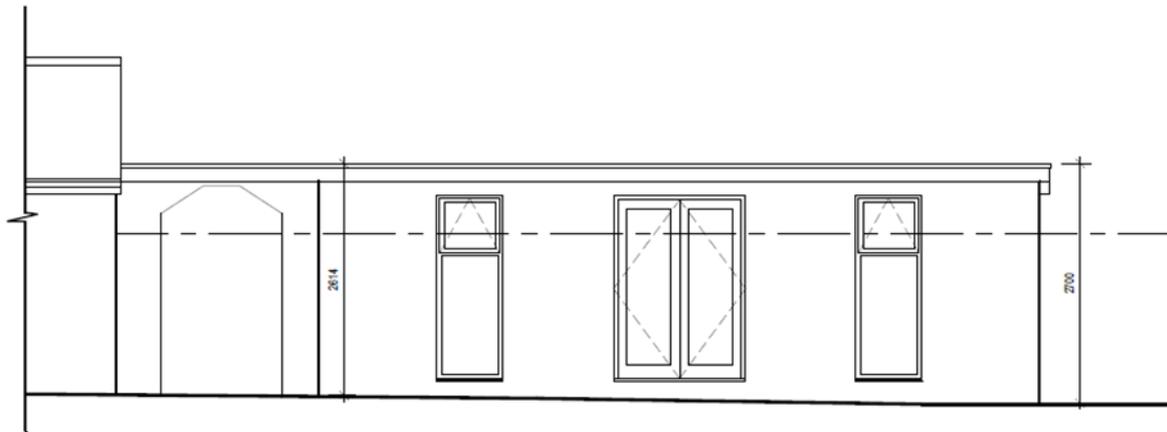


Appendix 2: Proposed Outbuilding

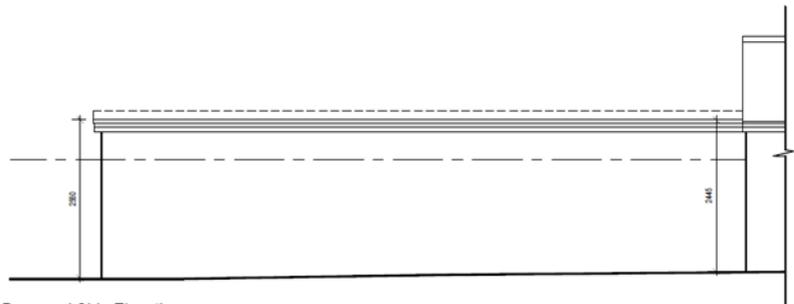




Proposed Ground Floor Plan
Scale 1:50



Proposed Rear Elevation



Proposed Side Elevation

Appendix 3: Indicative parking plan

