

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel
 Planning Application Report of the Planning and Development Manager**

Application address: 21 Merridale Road SO19 7AB			
Proposed development: Change of use from Family Dwelling House (C3 Class) to Dwelling House (C3 Class) and Child-Minding Business (D1)			
Application number	14/00976/FUL	Application type	FUL
Case officer	Nathan Pearce	Public speaking time	5 minutes
Last date for determination:	06/08/2014	Ward	Peartree
Reason for Panel Referral:	Councillor objection and five or more letters of objection have been received	Ward Councillors	Cllr Lewzey Cllr Dr Paffey Cllr Keogh

Applicant: Mrs Clare Hayles	Agent: Mrs Clare Hayles
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP7, SDP16, L4, H1 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS16 and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Site History
3	Parking Survey		

Recommendation in Full

Conditionally Approve

1.0 The site and its context

1.1 The application site consists of a chalet bungalow located/fronting onto a turning head on a bend within this relatively quiet residential road. The road has a mix of residential properties including bungalows, chalet bungalows and two storey houses. The front garden is used for parking, with space for two cars.

2.0 Proposal

2.1 The proposal seeks to regularise an existing use as a joint child-minding business which appears to have been operating for a number of years without planning permission. The applicant currently has up to nine children as part of the child-minding business within the family dwelling house and seeks to increase the number of children to a maximum of 13.

2.2 The ground floor lounge/dining room, kitchen, bathroom and two ground floor bedrooms, together with the first floor area are proposed for dual use. The other rooms will be for used for residential use only. There remains a part implemented planning consent which allows for a further rear extension to be added to the property but it is indicated that this will be used for residential purposes only.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

4.1 There have been no previous applications for a child-minding business on this site. Pre-application advice was sought in 2013 for increasing the number of children to

be looked after which triggered the advice that planning permission was required for both the existing and proposed use.

An application for a front and rear extension and a porch was approved in 2005, this has been mostly built with one additional room not yet constructed.

4.2 Full site history is shown in **Appendix 2**.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (enter date) and erecting a site notice (enter date). At the time of writing the report 5 representations have been received from surrounding residents. The following is a summary of the points raised:

- **Parking issues**

Response – An initial parking survey has been undertaken which indicates that there is capacity to park on road within the vicinity of the site. A further verbal update will be given at the Panel. See Highways comments regarding issues of highway safety.

- **Noise issues from children in garden**

Response - The principle of providing nursery and child minding facilities within residential areas has been long established and supported in principle by planning policy. The number of children is relatively small. Unreasonable noise and behaviour generating statutory nuisance would be a matter for Environmental Health however, day to day noise of children playing is not considered inappropriate.

- **Reduced property values**

Response - Personal economic circumstances do not constitute material planning considerations and as such cannot be considered as part of this application.

- **Staff employed in business**

Response - Confirmation has been received from the applicant that there are 3 family members already present at the property who act as child-minders at the property.

- **Business has been operating unlawfully for some time**

Response - This planning application will regularise any unlawful use and set a limit on the number of children.

Consultation Responses

5.2 **SCC Highways - Remarks**

This site is situated within a residential area where traffic level is relatively low. The proposed development will generate additional vehicular trips to the site but will most likely be staggered arrivals due to the nature of the use. Though the overall impact will not be concentrated, it may create amenity - not highway safety - issues for the adjacent properties and nearby residents. Therefore a parking survey should be undertaken.

To help lessen the impact further, at least one of the parking spaces on the forecourt should be fully laid and marked out to be reserved for visitors/parents only - as suggested by the applicant within their design and access statement. Residents can then park there during out of business opening hours.
No objection raised subject to conditions.

5.3 **SCC Environmental Health** - No objection in principle to the proposal providing the operating times and child level limits are conditioned accordingly to the times and child numbers detailed in the applicant's proposals.

5.4 **Cllr Dr Darren Paffey –**

What is the amount of space that will be used for child-minding?

Response - Lounge/dining room, kitchen, bathroom and bedroom as shown on floor plan.

Is the space sufficient to meet Ofsted standards?

Response - This is not a planning matter but a matter for licencing by other regulatory bodies, in this instance OFSTED.

Will there be 18 children looked after as the three child-minders have licence for six each?

Response - No, the planning application is for a maximum number of 13.

Does the forecourt have sufficient space for parents to pull up?

Response – The highways team have raised no objections. It can be conditioned to retain one of the off-road spaces to be used

Have neighbouring driveways been blocked by visiting parents?

Response - The initial parking survey shows that there is capacity on the road for vehicles to park.

A child-minding business in this residential location may lead to future disputes between neighbours and the business.

The impact on residential amenity is part of the assessment of this application.

6.0 **Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are:

6.2 Principle of Development

Nursery provision in residential premises are supported by policy L4 in the Local Plan Review, provided that the impact upon the amenities of neighbouring residential premises, by reason of noise and disturbance by children and parents going to and leaving the premises, or by children playing in external areas is acceptable.

6.3 Residential amenity of neighbouring properties

The change of use will have some impact upon neighbouring properties, particularly in regards to traffic generation and noise from children playing in the rear garden. However, it is consider this can be adequately mitigated through the use of conditions including a limit of 13 children being present at the site at any one

time and restricting the business hours to 7am to 7pm Monday to Friday.

6.4 Design and character

There will be no impact upon the character of the house or street scene, no physical development is proposed and the building will retain its appearance of a dwelling house that is similar to those in the area.

6.5 Highways and parking

The Council's Highways Development Management team have advised that there will be little impact upon highway safety but that an allocated parking space for parents should be provided to reduce the impact upon the highway amenity. The initial parking survey indicates capacity on the road for people to pick up and drop off their children.

7.0 Summary

7.1 With regard to the above, it is judged that no harm would be caused to neighbours or the local area which would justify the refusal of the application. The scheme is acceptable in terms of residential amenity of occupiers and neighbours, the effect of the character of the area and street scene and the impact on the local area in general. The proposal is in conformity with policy L4. Planning permission is therefore recommended for approval subject to conditions.

8.0 Conclusion

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP7, SDP16, H1, H7 and L4 of the City of Southampton Local Plan Review (March 2006) and CS4, CS16 and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d), 2. (b) (d), 4. (f) (vv), 6. (a)(c), 7. (a)

NP for 02/09/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

02. APPROVAL CONDITION - Numbers of children

No more than 13 children shall attend the child-minding facility at any one time without prior written consent of the Local Planning Authority.

Reason:

To prevent an over-intensive use of the premises and in the interest of safeguarding the residential amenities of nearby residential properties.

03. APPROVAL CONDITION - Use of premises

The specific rooms, parking bay and garden of the premises identified to be used as a dwelling house (C3) and child-minding facility shall be the only areas of the property to benefit from this consent and at no time shall the property be used for other purposes including solely as a child-minding business or any other purpose in Class D1 (Non-residential Institutions) of the Schedule to the Town and Country Planning (Use Classes) Amendment Order 2005, (or in any equivalent provision in any statutory instrument revoking or re-enacting that Order).

Reason:

To enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area.

04. APPROVAL CONDITION - Hours of business use

Unless the Local Planning Authority agree in writing, the premises to which this permission relates shall not be open for business outside the hours specified below and at no time on Saturdays or Sundays:

Monday to Friday 7.00am - 7.00pm

Reason:

To protect the amenities of the occupiers of adjoining residential properties.

05. APPROVAL CONDITION - Storage/Removal of Refuse Material

Details of satisfactory facilities to be provided for the storage and removal of refuse from the premises shall be submitted to the Local Planning Authority before the change of use begins. The facilities shall include accommodation for the separation of waste to enable recycling.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties.

06. APPROVAL CONDITION - Car Parking spaces

At least one forecourt parking space to be fully laid and marked out for the use of visitors/parents during the operating hours of the business.

Reason:

To ease parking congestion when parents are picking up and dropping off children.